

ESSB 6381 - H AMD 1527

By Representative Clibborn

ADOPTED AND ENGROSSED 3/8/10

Strike everything after the enacting clause and insert the following:

**"2009-11 FISCAL BIENNIUM
ECONOMIC STIMULUS FUNDING**

Sec. 1. 2009 c 8 s 2 (uncodified) is amended to read as follows:
**FOR THE DEPARTMENT OF TRANSPORTATION--AMERICAN RECOVERY AND
REINVESTMENT ACT OF 2009.**

Motor Vehicle Account--Federal Appropriation \$341,400,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The entire appropriation in this section is (~~provided solely~~) for the projects and amounts listed in ARRA Washington State Project LEAP document 2009, as developed on February 24, 2009. Funds under this section may be reallocated among projects shown in the document to the extent that the department finds it necessary for the purposes of facilitating completion of the projects with the highest priority or to maintain maximum federal funds eligibility.

(2) To achieve the legislative objectives provided in section 1(2) of this act with respect to highway projects, it is the intent of the legislature that the appropriation in this section be used for: Transportation 2003 account (nickel account) projects and transportation partnership account (TPA) projects that would have otherwise been delayed due to decreased revenues, so as to advance project completion dates similar to those envisioned in the enacted 2008 legislative list of projects; projects that preserve or rehabilitate Washington state highways and roads; and projects that modify roadway alignments and conditions to create safer roads for the traveling public.

1 (3)(a) The department of transportation shall obligate at least
2 fifty percent of the funds no later than one hundred twenty days after
3 surface transportation program funds under the American Recovery and
4 Reinvestment Act of 2009 have been apportioned to the states;

5 (b) The department shall obligate all funds no later than one year
6 after surface transportation program funds under the American Recovery
7 and Reinvestment Act of 2009 have been apportioned to the states;

8 (c) The department shall place the first priority for allocating
9 funds on those projects listed as "First Tier" projects on ARRA
10 Washington State Project LEAP document 2009, as developed on February
11 24, 2009. The department shall place the second priority on projects
12 listed as "Second Tier" projects on the document; and

13 (d) Within each tier of projects on ARRA Washington State Project
14 LEAP document 2009, as developed on February 24, 2009, the department
15 shall place the highest priority for allocating funds on the
16 transportation 2003 account (nickel account) projects and
17 transportation partnership account (TPA) projects listed to advance
18 their completion. The department shall prioritize funding for other
19 projects within the tier according to how soon the contract for the
20 project could be awarded.

21 (4) By June 30, 2009, the department of transportation shall report
22 to the legislative standing committees on transportation and the office
23 of financial management on the status of federal stimulus funds
24 including, but not limited to, identifying the projects shown in ARRA
25 Washington State Project LEAP document 2009, as developed on February
26 24, 2009, for which federal stimulus funding has already been
27 obligated, the amount of federal recovery funds estimated to be
28 obligated to the projects, and the completion status of each project.
29 Subsequent status reports are due to the legislative standing
30 committees on transportation and the office of financial management on
31 August 31, 2009, and December 1, 2009.

32 **GENERAL GOVERNMENT AGENCIES--OPERATING**

33 **Sec. 101.** 2009 c 470 s 101 (uncodified) is amended to read as
34 follows:

1 **FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION**

2 Motor Vehicle Account--State Appropriation ((~~\$422,000~~))
3 \$413,000

4 The appropriation in this section is subject to the following
5 conditions and limitations: The entire appropriation is provided
6 solely for staffing costs to be dedicated to state transportation
7 activities. Staff hired to support transportation activities must have
8 practical experience with complex construction projects.

9 **Sec. 102.** 2009 c 470 s 102 (uncodified) is amended to read as
10 follows:

11 **FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

12 Grade Crossing Protective Account--State
13 Appropriation ((~~\$705,000~~))
14 \$702,000

15 **Sec. 103.** 2009 c 470 s 103 (uncodified) is amended to read as
16 follows:

17 **FOR THE OFFICE OF FINANCIAL MANAGEMENT**

18 Motor Vehicle Account--State Appropriation ((~~\$3,389,000~~))
19 \$3,526,000
20 Puget Sound Ferry Operations Account--State
21 Appropriation ((~~\$100,000~~))
22 \$98,000
23 TOTAL APPROPRIATION ((~~\$3,489,000~~))
24 \$3,624,000

25 The appropriations in this section are subject to the following
26 conditions and limitations:

27 (1) \$1,699,000 of the motor vehicle account--state appropriation is
28 provided solely for the office of regulatory assistance integrated
29 permitting project.

30 (2) \$1,004,000 of the motor vehicle account--state appropriation is
31 provided solely for the continued maintenance and support of the
32 transportation executive information system. Of the amount provided in
33 this subsection, \$502,000 is for two existing FTEs at the department of
34 transportation to maintain and support the system.

35 (3) \$150,000 of the motor vehicle account--state appropriation is
36 provided solely for the office of financial management to contract with

the Washington state association of counties for a pilot program to develop and implement a streamlined process for programmatic hydraulic project approvals for multiple, recurring local transportation and public works projects. The pilot program must include the following: (a) Describing, defining, and documenting classes of local transportation and public works projects appropriate for programmatic hydraulic project approvals permits; (b) developing technical permitting requirements and conditions; (c) administratively adopting and implementing programmatic hydraulic project approvals statewide; and (d) piloting, reviewing, updating, and training throughout all Washington counties. For the purpose of this subsection, the contract with the Washington state association of counties is deemed a revenue generation and auditing activity as that term is construed in section 602(2), chapter 3, Laws of 2010.

Sec. 104. 2009 c 470 s 104 (uncodified) is amended to read as follows:

FOR THE MARINE EMPLOYEES COMMISSION

Puget Sound Ferry Operations Account--State

Appropriation	((\$446,000))
	<u>\$440,000</u>

Sec. 105. 2009 c 470 s 105 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Motor Vehicle Account--State Appropriation	((\$986,000))
	<u>\$985,000</u>

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation in this section is provided solely for road maintenance purposes.

Sec. 106. 2009 c 470 s 106 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

Motor Vehicle Account--State Appropriation	((\$1,507,000))
	<u>\$1,493,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) \$351,000 of the motor vehicle account--state appropriation is provided solely for costs associated with the motor fuel quality program.

(2) \$1,004,000 of the motor vehicle account--state appropriation is provided solely to test the quality of biofuel. The department must test fuel quality at the biofuel manufacturer, distributor, and retailer.

Sec. 107. 2009 c 470 s 107 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

Motor Vehicle Account--State Appropriation ((~~\$502,000~~))
\$491,000

Sec. 108. 2009 c 470 s 108 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

Multimodal Transportation Account--State Appropriation \$50,000

(1) As part of its 2009-11 fiscal biennium work plan, the joint legislative audit and review committee shall audit the capital cost accounting practices of the Washington state ferries. The audit must review the following and provide a report on its findings and any related recommendations to the legislature by January 2011:

(a) Costs assigned to capital accounts to determine whether they are capital costs that meet the statutory requirements for preservation and improvement activities and whether they are within the scope of legislative appropriations;

(b) Implementation of the life-cycle cost model required under RCW 47.60.345 to determine if it was developed as required and is maintained and updated when asset inspections are made; and

(c) Washington state ferries' implementation of the cost allocation methodology evaluated under section 205, chapter 518, Laws of 2007, assessing whether actual costs are allocated consistently with the methodology, whether there are sufficient internal controls to ensure proper allocation, and the adequacy of staff training.

(2) The joint legislative audit and review committee shall use existing staff and resources to conduct a review of scoping and cost estimates for transportation highway improvement and preservation

1 projects funded in whole, or in part, by transportation partnership
2 account--state and transportation 2003 account (nickel account)--state
3 funds, excluding mega-projects. The review will examine whether the
4 scoping and cost estimates guidelines used by the department of
5 transportation are consistent with general construction industry
6 practices and other appropriate standards. The review will include an
7 analysis of a sample of scope and cost estimates for future projects.
8 A report on the committee's findings and recommendations must be
9 submitted to the house of representatives and senate transportation
10 committees by December 2009.

11 (3) As part of its 2009-11 fiscal biennium work plan, the joint
12 legislative audit and review committee shall conduct an analysis of the
13 cost of credit card payment options at the department of
14 transportation. For programs where a credit card payment option is
15 offered, the review must include:

16 (a) An analysis of the direct and indirect cost per transaction to
17 process customer payments using credit cards;

18 (b) An analysis of the direct and indirect cost per transaction for
19 other methods of processing customer payments;

20 (c) An analysis of the historical and projected total aggregate
21 costs for processing all forms of customer payments;

22 (d) Identification of whether there are customer service,
23 administrative, and revenue collection benefits resulting from credit
24 card usage; and

25 (e) A review of the use of credit card payment options in other
26 state agencies and in similar transportation programs at other states.

27 The committee shall provide a report on its findings and any
28 related recommendations to the legislature by January 2010.

29 (4)(a) As part of its 2009-11 fiscal biennium work plan, the entire
30 appropriation in this section is for the joint legislative audit and
31 review committee to conduct an analysis of the storm water permit
32 requirements issued by the department of ecology in February 2009 to
33 determine the costs and benefits of alternative options for the
34 department of transportation to meet the requirements. However, if the
35 committee does not include the analysis as part of its 2009-11 fiscal
36 biennium work plan by April 15, 2010, the amount provided in this
37 section lapses. The analysis must include, at a minimum, an analysis
38 of the following:

1 (i) The department of transportation performing the functions of
2 the permit in house;

3 (ii) The functions of the permit being consolidated within the
4 department of ecology or otherwise centralizing efforts for all state
5 agencies; and

6 (iii) The use of an external firm or organization to meet the
7 requirements.

8 (b) The entire appropriation is for a consultant contract to assist
9 the committee with its analysis. For the purpose of this subsection,
10 the consultant contract is deemed an auditing activity as that term is
11 construed in section 602(2), chapter 3, Laws of 2010.

12 (c) The committee shall provide a report to the legislature by
13 December 2010.

14 **TRANSPORTATION AGENCIES--OPERATING**

15 **Sec. 201.** 2009 c 470 s 201 (uncodified) is amended to read as
16 follows:

17 **FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION**

18 Highway Safety Account--State Appropriation	((\$2,542,000))
19	<u>\$2,532,000</u>
20 Highway Safety Account--Federal Appropriation	((\$16,540,000))
21	<u>\$34,630,000</u>
22 School Zone Safety Account--State Appropriation	\$3,340,000
23 Highway Safety Account--Local Appropriation	\$50,000
24 TOTAL APPROPRIATION	((\$22,472,000))
25	<u>\$40,552,000</u>

26 The appropriations in this section are subject to the following
27 conditions and limitations:

28 (1) ((~~\$2,670,000~~)) \$2,826,000 of the highway safety account--
29 federal appropriation is provided solely for a target zero trooper
30 pilot program, which the commission shall develop and implement in
31 collaboration with the Washington state patrol. The pilot program must
32 demonstrate the effectiveness of intense, high visibility, driving
33 under the influence enforcement in Washington. The commission shall
34 apply to the national highway traffic safety administration for federal
35 highway safety grants to cover the cost of the pilot program. If the

pilot program is approved for funding by the national highway traffic safety administration, and sufficient federal grants are received, the commission shall provide grants to the Washington state patrol for the purchase of twenty-one fully equipped patrol vehicles in fiscal year 2010, and up to twenty-four months of salaries and benefits for eighteen troopers and three sergeants beginning in fiscal year ((2011)) 2010. The legislature anticipates that an additional ((\$1,830,000)) \$1,673,900 will be appropriated from the highway safety account-- federal in the 2011-13 fiscal biennium to conclude this pilot program.

(2) The commission may oversee pilot projects implementing the use of automated traffic safety cameras to detect speed violations within cities west of the Cascade mountains that have a population over two hundred thousand. For the purposes of pilot projects in this subsection, no more than one automated traffic safety camera may be used to detect speed violations within any one jurisdiction.

(a) The commission shall comply with RCW 46.63.170 in administering the projects.

(b) In order to ensure adequate time in the 2009-11 fiscal biennium to evaluate the effectiveness of the pilot projects, any projects authorized by the commission must be authorized by December 31, 2009.

(c) By January 1, 2011, the commission shall provide a report to the legislature regarding the use, public acceptance, outcomes, and other relevant issues regarding automated traffic safety cameras demonstrated by the projects.

(3) -- \$18,000,000 -- of -- the -- highway -- safety -- account--federal appropriation is for federal funds that may be received during the 2009-11 fiscal biennium. Upon receipt of the funds, the commission shall provide a report on the use of the funds to the transportation committees of the legislature and the office of financial management.

Sec. 202. 2009 c 470 s 202 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account--State Appropriation ((\$920,000))
\$896,000

Motor Vehicle Account--State Appropriation ((\$2,129,000))
\$2,084,000

County Arterial Preservation Account--State

Appropriation	((\$1,423,000))
	<u>\$1,396,000</u>
TOTAL APPROPRIATION	((\$4,472,000))
	<u>\$4,376,000</u>

Sec. 203. 2009 c 470 s 203 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Urban Arterial Trust Account--State Appropriation . . .	((\$1,824,000))
	<u>\$1,793,000</u>
Transportation Improvement Account--State	
Appropriation	((\$1,827,000))
	<u>\$1,796,000</u>
TOTAL APPROPRIATION	((\$3,651,000))
	<u>\$3,589,000</u>

Sec. 204. 2009 c 470 s 204 (uncodified) is amended to read as follows:

FOR THE JOINT TRANSPORTATION COMMITTEE

Motor Vehicle Account--State Appropriation	(((\$1,901,000))
	<u>\$2,163,000</u>
Multimodal Transportation Account--State Appropriation	\$400,000
<u>TOTAL APPROPRIATION</u>	<u>\$2,563,000</u>

The appropriations in this section (~~(is)~~) are subject to the following conditions and limitations:

(1) \$236,000 of the motor vehicle account--state appropriation is a reappropriation from the 2007-09 fiscal biennium for a comprehensive analysis of mid-term and long-term transportation funding mechanisms and methods. Elements of the study will include existing data and trends, policy objectives, performance and evaluation criteria, incremental transition strategies, and possibly, scaled testing. Baseline data and methods assessment must be concluded by December 31, 2009. Performance criteria must be developed by June 30, 2010, and recommended planning level alternative funding strategies must be completed by December 31, 2010.

(2) \$200,000 of the motor vehicle account--state appropriation is for the joint transportation committee to convene an independent expert review panel to review the assumptions for toll operations costs used

1 by the department to model financial plans for tolled facilities. The
2 joint transportation committee shall work with staff from the senate
3 and the house of representatives transportation committees to identify
4 the scope of the review and to assure that the work performed meets the
5 needs of the house of representatives and the senate. The joint
6 transportation committee shall provide a report to the house of
7 representatives and senate transportation committees by September 1,
8 2009.

9 (3) \$300,000 of the motor vehicle account--state appropriation is
10 for an independent analysis of methodologies to value the reversible
11 lanes on Interstate 90 to be used for high capacity transit pursuant to
12 sound transit proposition 1 approved by voters in November 2008. The
13 independent analysis shall be conducted by sound transit and the
14 department of transportation, using consultant resources deemed
15 appropriate by the secretary of the department, the chief executive
16 officer of sound transit, and the cochairs of the joint transportation
17 committee. It shall be conducted in consultation with the federal
18 transit and federal highway administrations and account for applicable
19 federal laws, regulations, and practices. It shall also account for
20 the 1976 Interstate 90 memorandum of agreement and subsequent 2004
21 amendment and the 1978 federal secretary of transportation's
22 environmental decision on Interstate 90. The department and sound
23 transit must provide periodic reports to the joint transportation
24 committee, the sound transit board of directors, and the governor, and
25 report final recommendations by November 1, 2009.

26 (4) The joint transportation committee shall perform a review of
27 the fuel tax refunds for nonhighway or off-road use of gasoline and
28 diesel fuels as listed in RCW 46.09.170, 46.10.150, and 79A.25.070.
29 The review must: Provide an overview of the off-road programs; analyze
30 historical funding and expenditures from the respective treasury
31 accounts; outline and provide process documentation on how the funds
32 are distributed to the treasury accounts; and document future
33 identified off-road, snowmobile, and marine funding needs. A report on
34 the joint transportation committee review must be presented to the
35 house of representatives and senate transportation committees by
36 December 31, 2010.

37 (5)(a) \$350,000 of the multimodal transportation account--state
38 appropriation is for the joint transportation committee to conduct a

1 study to establish a statewide blueprint for public transportation that
2 will serve to guide state investments in public transportation. At a
3 minimum, the study should include an assessment of unmet operating and
4 capital needs of public transportation agencies, the state role in
5 funding those unmet needs, and the priorities for state investments.
6 The report should include efficiency and accountability measures that
7 inform future state investment in public transportation to maximize
8 mobility, social, economic, and environmental benefits provided to the
9 state.

10 (b) The statewide blueprint for public transportation should serve
11 to guide state investments to support public transportation and address
12 unmet needs to improve service, access to public transportation, and
13 connectivity between public transportation providers across
14 jurisdictional boundaries. The blueprint must be consistent with the
15 state's transportation system policy goals provided in RCW 47.04.280
16 and the statewide transportation plan provided in RCW 47.01.071(4).

17 (c) To provide input to the study, the joint transportation
18 committee shall convene a public transit advisory panel. The cochair
19 of the committee shall appoint and convene the advisory panel to be
20 comprised of members as provided in this subsection:

21 (i) One member from each of the two largest caucuses of the senate;

22 (ii) One member from each of the two largest caucuses of the house
23 of representatives;

24 (iii) One representative of the department of transportation's
25 public transportation division;

26 (iv) Two representatives of users of public transportation systems,
27 one of which must represent persons with special needs;

28 (v) Three representatives from transit agencies from a list
29 recommended by the Washington state transit association;

30 (vi) Two representatives from regional transportation planning
31 organizations, one representing eastern Washington and one representing
32 western Washington;

33 (vii) Three representatives of employers at or owners of major work
34 sites in Washington;

35 (viii) The chief executive officer, or the chief executive
36 officer's designee, of a regional transit authority;

37 (ix) Two representatives of organizations that address primarily
38 environmental issues;

1 (x) One member of a collective bargaining organization that
2 primarily represents the interests of transit agency employees; and

3 (xi) Other individuals deemed appropriate.

4 Nonlegislative members of the advisory panel must seek
5 reimbursement for travel and other membership expenses through their
6 respective agencies or organizations. The committee may make
7 exceptions and approve certain expenses for good cause on a case-by-
8 case basis.

9 (d) The joint transportation committee shall submit a report on the
10 study to the standing transportation committees of the legislature by
11 December 15, 2010.

12 (6) The joint transportation committee shall work with the
13 department of licensing, the office of the code reviser, staff to the
14 legislative transportation committees, and other stakeholders to
15 evaluate the implementation of Senate Bill No. 6379. At a minimum, the
16 evaluation must identify the unintended impacts of Senate Bill No. 6379
17 on policy and revenue collection, if any. The joint transportation
18 committee shall issue its evaluation, including corrective draft
19 legislation if needed, by December 1, 2010.

20 (7) \$125,000 of the motor vehicle account--state appropriation is
21 for the joint transportation committee to evaluate the preparation of
22 state-level transportation plans. The evaluation must include a review
23 of federal planning requirements, the Washington transportation plan
24 and statewide modal plan requirements, and transportation plan
25 requirements for regional and local entities. The evaluation must make
26 recommendations concerning the appropriate responsibilities for
27 preparation of plans, methods to develop plans more efficiently, and
28 the utility of the state-level planning documents. The committee shall
29 issue a report of its evaluation, including draft legislation if
30 required, to the house of representatives and senate transportation
31 committees by December 15, 2010.

32 (8)(a) \$200,000 of the motor vehicle account--state appropriation
33 is for the joint transportation committee to evaluate funding
34 assistance and services provided by the county road administration
35 board, transportation improvement board, freight mobility strategic
36 investment board, and the department of transportation's highway and
37 local programs division. In 2010, the governor recommended
38 consolidating small transportation agencies as part of an overall

1 effort to streamline state government, provide economies of scale, and
2 improve customer service. The evaluation may include recommendations
3 on consolidating the agencies within the department of transportation,
4 within another existing agency, or within a newly created agency. The
5 study may also make recommendations on restructuring grant programs to
6 generate efficiencies or other more efficient ways to distribute
7 associated revenues.

8 (b) The joint transportation committee shall form a policy work
9 group to oversee the evaluation. The work group must consist of
10 legislators appointed by the joint transportation committee and a
11 member of the governor's staff appointed by the governor.

12 (c) Any evaluation recommendations must be accompanied by a
13 detailed implementation plan. The plan must include details on the
14 recommended governance structure, accounts and program structure, and
15 transition process and associated costs. The plan must include a
16 proposed organization chart and proposed legislation to enact the
17 recommended changes. A preliminary evaluation must be made to the
18 joint transportation committee by November 15, 2010, and a final
19 evaluation is due on December 15, 2010.

20 (9) The joint transportation committee shall conduct the following
21 studies by December 15, 2010:

22 (a) A comparison of medical, time-loss, vocational and disability
23 benefits available to injured workers, and costs payable by the state
24 of Washington and employees, under the federal Jones act and
25 Washington's industrial insurance act. The report must include
26 information regarding the experience of the Alaska marine highway
27 system; and

28 (b) A comparison of the processing time of grievances and hearings
29 at the personnel relations employment commission and the marine
30 employee commission. The review must also investigate whether the
31 necessary expertise exists at the personnel relations employment
32 commission to administer the grievances and hearings currently
33 administered by the marine employee commission.

34 (10)(a) \$50,000 of the multimodal transportation account--state
35 appropriation is for the joint transportation committee to conduct an
36 analysis of the storm water permit requirements issued by the
37 department of ecology in February 2009 to determine the costs and
38 benefits of alternative options for the department of transportation to

1 meet the requirements. However, if the committee does not include the
2 analysis as part of its 2009-11 fiscal biennium work plan by April 15,
3 2010, the amount provided in this subsection lapses. The analysis must
4 include, at a minimum, an analysis of the following:

5 (i) The department of transportation performing the functions of
6 the permit in house;

7 (ii) The functions of the permit being consolidated within the
8 department of ecology or otherwise centralizing efforts for all state
9 agencies; and

10 (iii) The use of an external firm or organization to meet the
11 requirements.

12 (b) The committee shall provide a report to the legislature by
13 December 2010.

14 **Sec. 205.** 2009 c 470 s 205 (uncodified) is amended to read as
15 follows:

16 **FOR THE TRANSPORTATION COMMISSION**

17	Motor Vehicle Account--State Appropriation	(((\$2,237,000))
18		<u>\$2,328,000</u>
19	Multimodal Transportation Account--State Appropriation	\$112,000
20	TOTAL APPROPRIATION	(((\$2,349,000))
21		<u>\$2,440,000</u>

22 The appropriations in this section are subject to the following
23 conditions and limitations:

24 (1) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium,
25 the transportation commission shall periodically review and, if
26 necessary, modify the schedule of fares for the Washington state ferry
27 system. The transportation commission may increase ferry fares,
28 except no fare schedule modifications may be made prior to September 1,
29 2009. For purposes of this subsection, "modify" includes increases or
30 decreases to the schedule. ~~((The commission may only approve ferry~~
31 ~~fare rate changes that have the same proportionate change for~~
32 ~~passengers as for vehicles.))~~

33 (2) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium,
34 the transportation commission shall periodically review and, if
35 necessary, modify a schedule of toll charges applicable to the state
36 route number 167 high occupancy toll lane pilot project, as required

1 under RCW 47.56.403. For purposes of this subsection, "modify"
2 includes increases or decreases to the schedule.

3 (3) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium,
4 the transportation commission shall periodically review and, if
5 necessary, modify the schedule of toll charges applicable to the Tacoma
6 Narrows bridge, taking into consideration the recommendations of the
7 citizen advisory committee created under RCW 47.46.091. For purposes
8 of this subsection, "modify" includes increases or decreases to the
9 schedule.

10 (4) The commission may name state ferry vessels consistent with its
11 authority to name state transportation facilities under RCW 47.01.420.
12 When naming or renaming state ferry vessels, the commission shall
13 investigate selling the naming rights and shall make recommendations to
14 the legislature regarding this option.

15 (5) \$350,000 of the motor vehicle account--state appropriation is
16 provided solely for consultant support services to assist the
17 commission in updating the statewide transportation plan. The updated
18 plan must be submitted to the legislature by December 1, 2010.

19 (6) If the commission considers implementing a ferry fuel
20 surcharge, it must first submit an analysis and business plan to the
21 office of financial management and either the joint transportation
22 committee or the transportation committees of the legislature. The
23 commission may impose a ferry fuel surcharge effective July 1, 2011.
24 When implementing a ferry fuel surcharge, the commission must regard
25 ferry fuel surcharges as fare policy changes and thus, ferry fuel
26 surcharges should be included in all public procedures and processes
27 currently used for fare pricing per RCW 47.60.290.

28 (7) The commission shall work with the department of
29 transportation's economic partnerships (Program K) in conducting a best
30 practices review of nontoll, public-private partnerships. The purpose
31 of this review is to identify the policies and procedures that would be
32 appropriate for application in Washington state. The commission must
33 report its findings and recommendations, including draft legislation if
34 warranted, to the house of representatives and senate transportation
35 committees by January 2011.

36 (8) As part of its development of the statewide transportation
37 plan, the commission shall review prioritized projects, including
38 preservation and maintenance projects, from regional transportation and

metropolitan __ planning __ organizations __ to __ identify __ statewide transportation needs. The review should include a brief description and status of each project along with the funding required and associated timeline from start to completion. The commission shall submit the review, along with recommendations, to the house of representatives and senate transportation committees by January 2011.

Sec. 206. 2009 c 470 s 206 (uncodified) is amended to read as follows:

FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Motor Vehicle Account--State Appropriation ((\$695,000))
\$688,000

The appropriation in this section is subject to the following conditions and limitations: The freight mobility strategic investment board shall, on a quarterly basis, provide status reports to the office of financial management and the transportation committees of the legislature on the delivery of projects funded by this act.

Sec. 207. 2009 c 470 s 207 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU

State Patrol Highway Account--State
Appropriation ((\$228,024,000))
\$227,958,000
State Patrol Highway Account--Federal
Appropriation ((\$10,602,000))
\$10,903,000
State Patrol Highway Account--Private/Local
Appropriation ((\$859,000))
\$867,000
TOTAL APPROPRIATION ((\$239,485,000))
\$239,728,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by

1 the chief of the Washington state patrol. The Washington state patrol
2 shall be reimbursed for the use of the vehicle at the prevailing state
3 employee rate for mileage and hours of usage, subject to guidelines
4 developed by the chief of the Washington state patrol, and Cessna
5 pilots funded from the state patrol highway account who are certified
6 to fly the King Airs may pilot those aircraft for general fund purposes
7 with the general fund reimbursing the state patrol highway account an
8 hourly rate to cover the costs incurred during the flights since the
9 aviation section will no longer be part of the Washington state patrol
10 cost allocation system as of July 1, 2009.

11 (2) The patrol shall not account for or record locally provided DUI
12 cost reimbursement payments as expenditure credits to the state patrol
13 highway account. The patrol shall report the amount of expected
14 locally provided DUI cost reimbursements to the office of financial
15 management and transportation committees of the legislature by
16 September 30th of each year.

17 (3) During the 2009-11 fiscal biennium, the Washington state patrol
18 shall continue to perform traffic accident investigations on Thurston
19 county roads, and shall work with the county to transition the traffic
20 accident investigations on Thurston county roads to the county by July
21 1, 2011.

22 (4) Within existing resources, the Washington state patrol shall
23 make every reasonable effort to increase the enrollment in each academy
24 class that commences during the 2009-11 fiscal biennium to fifty-five
25 cadets.

26 (5) The Washington state patrol shall collaborate with the
27 Washington traffic safety commission to develop and implement the
28 target zero trooper pilot program referenced in section 201 of this
29 act.

30 ~~(6) ((The Washington state patrol shall discuss the implementation~~
31 ~~of the pilot program described under section 218(2) of this act with~~
32 ~~any union representing the affected employees.~~

33 ~~(7) The Washington state patrol shall assign necessary personnel~~
34 ~~and equipment to implement and operate the pilot program described~~
35 ~~under section 218(2) of this act using the portion of the automated~~
36 ~~traffic safety camera fines deposited into the state patrol highway~~
37 ~~account, but not to exceed \$370,000. If the fines deposited into the~~
38 ~~state patrol highway account from automated traffic safety camera~~

1 ~~infractions do not reach \$370,000, the department of transportation~~
2 ~~shall remit funds necessary to the Washington state patrol to ensure~~
3 ~~the completion of the pilot program.))~~ \$370,000 of the state patrol
4 highway account--state appropriation is provided solely for costs
5 associated with the pilot program described under section 218(2) of
6 this act. The Washington state patrol may incur costs related only to
7 the assignment of cadets and necessary computer equipment and to the
8 reimbursement of the Washington state department of transportation for
9 contract costs. The appropriation in this subsection must be funded
10 from the portion of the automated traffic safety camera fines deposited
11 into the state patrol highway account; however, if the fines deposited
12 into the state patrol highway account from automated traffic safety
13 camera infractions do not reach three hundred seventy thousand dollars,
14 the department of transportation shall remit funds necessary to the
15 Washington state patrol to ensure the completion of the pilot program.
16 The Washington state patrol may not incur overtime as a result of this
17 pilot program. The Washington state patrol shall not assign troopers
18 to operate or deploy the pilot program equipment used in the roadway
19 construction zones.

20 (7) If, as a result of lower than average rate of attrition among
21 troopers, the Washington state patrol postpones the year 2011 training
22 for trooper cadets beyond June 30, 2011, funding provided in section
23 207, chapter 470, Laws of 2009 for the class must be used to fund the
24 salaries and benefits associated with the existing commissioned
25 Washington state patrol troopers that are funded within the field
26 operations bureau.

27 (8) \$2,832,000 of the state patrol highway account--state
28 appropriation is provided solely for the aerial traffic enforcement
29 program. The Washington state patrol shall evaluate the costs
30 associated with aerial traffic highway enforcement to determine if the
31 costs are accurately apportioned between the state patrol highway
32 account and the general fund. It is the intent of the legislature that
33 the state patrol highway account incurs costs that result only from
34 highway enforcement activities and that the general fund incurs costs
35 associated with the King Airs. The Washington state patrol shall
36 report the results of the evaluation to the legislature by June 30,
37 2010.

1 (9) For the remainder of the 2009-11 fiscal biennium, the
2 Washington state patrol shall continue to work with Island county on
3 traffic accident investigations.

4 (10) \$3,601,000 of the state patrol highway account--state
5 appropriation is provided solely for the costs associated with a basic
6 trooper class.

7 **Sec. 208.** 2009 c 470 s 208 (uncodified) is amended to read as
8 follows:

9 **FOR THE WASHINGTON STATE PATROL--INVESTIGATIVE SERVICES BUREAU**

10 State Patrol Highway Account--State Appropriation . . . ((~~\$1,557,000~~))
11 \$1,648,000

12 **Sec. 209.** 2009 c 470 s 209 (uncodified) is amended to read as
13 follows:

14 **FOR THE WASHINGTON STATE PATROL--TECHNICAL SERVICES BUREAU**

15 State Patrol Highway Account--State Appropriation . . . ((~~\$105,680,000~~))
16 \$108,560,000

17 State Patrol Highway Account--Private/Local
18 Appropriation ((~~\$2,008,000~~))
19 \$2,510,000

20 TOTAL APPROPRIATION ((~~\$107,688,000~~))
21 \$111,070,000

22 The appropriations in this section are subject to the following
23 conditions and limitations:

24 (1) The Washington state patrol shall work with the risk management
25 division in the office of financial management in compiling the
26 Washington state patrol's data for establishing the agency's risk
27 management insurance premiums to the tort claims account. The office
28 of financial management and the Washington state patrol shall submit a
29 report to the legislative transportation committees by December 31st of
30 each year on the number of claims, estimated claims to be paid, method
31 of calculation, and the adjustment in the premium.

32 (2) ((~~\$8,673,000~~)) \$10,425,000 of the total appropriation is
33 provided solely for automobile fuel in the 2009-11 fiscal biennium.

34 (3) \$7,421,000 of the total appropriation is provided solely for
35 the purchase of pursuit vehicles.

(4) (~~(\$6,328,000)~~) \$6,611,000 of the total appropriation is provided solely for vehicle repair and maintenance costs of vehicles used for highway purposes.

(5) (~~(\$384,000)~~) \$1,724,000 of the total appropriation is provided solely for the purchase of mission vehicles used for highway purposes in the commercial vehicle and traffic investigation sections of the Washington state patrol.

(6) The Washington state patrol may submit information technology-related requests for funding only if the patrol has coordinated with the department of information services as required under section 601 of this act.

(7) \$345,000 of the state patrol highway account--state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 1445 (domestic partners/Washington state patrol retirement system). If Engrossed Substitute House Bill No. 1445 is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

Sec. 210. 2009 c 470 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

Marine Fuel Tax Refund Account--State Appropriation	\$32,000
Motorcycle Safety Education Account--State	
Appropriation	((\$4,373,000))
	<u>\$4,356,000</u>
Wildlife Account--State Appropriation	((\$837,000))
	<u>\$821,000</u>
Highway Safety Account--State Appropriation	((\$145,085,000))
	<u>\$143,660,000</u>
Highway Safety Account--Federal Appropriation	((\$8,000))
	<u>\$944,000</u>
Motor Vehicle Account--State Appropriation	((\$78,805,000))
	<u>\$77,898,000</u>
Motor Vehicle Account--Private/Local Appropriation	\$1,372,000
Motor Vehicle Account--Federal Appropriation	\$242,000
Department of Licensing Services Account--State	
Appropriation	((\$3,867,000))
	<u>\$4,705,000</u>

Washington State Patrol Highway Account--State
 Appropriation ((~~\$738,000~~))
\$737,000
 Ignition Interlock Device Revolving Account--State
 Appropriation ((~~\$2,490,000~~))
\$1,315,000
 TOTAL APPROPRIATION ((~~\$237,849,000~~))
\$236,082,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) By November 1, 2009, the department of licensing, working with the department of revenue, shall analyze and plan for the transfer by July 1, 2010, of the administration of fuel taxes imposed under chapters 82.36, 82.38, 82.41, and 82.42 RCW and other provisions of law from the department of licensing to the department of revenue. By November 1, 2009, the departments shall report findings and recommendations to the governor and the transportation and fiscal committees of the legislature.

(b) The analysis and planning directed under this subsection must include, but is not limited to, the following:

(i) Outreach to and solicitation of comment from parties affected by the fuel taxes, including taxpayers, industry associations, state and federal agencies, and Indian tribes, and from the transportation and fiscal committees of the legislature; and

(ii) Identification and analysis of relevant factors including, but not limited to:

- (A) Taxpayer reporting and payment processes;
 - (B) The international fuel tax agreement;
 - (C) Proportional registration under the provisions of the international registration plan and chapter 46.87 RCW;
 - (D) Computer systems;
 - (E) Best management practices and efficiencies;
 - (F) Costs; and
 - (G) Personnel matters(
- ~~(iii) — Development — of — recommended — actions — to — accomplish — the transfer; and~~
- ~~(iv) An implementation plan and schedule.~~

1 ~~(c) The report must include draft legislation, which transfers~~
2 ~~administration of fuel taxes as described under (a) of this subsection~~
3 ~~to the department of revenue on July 1, 2010, and amends existing law~~
4 ~~as needed)).~~

5 (2) \$55,845,000 of the highway safety account--state appropriation
6 is provided solely for the driver examining program. In order to
7 reduce costs and make the most efficient use of existing resources, the
8 department may consolidate licensing service offices by closing the
9 vehicle services counter at the highways licensing building in Olympia
10 and up to twenty-five licensing service offices.

11 (a) When closing offices, the department may redistribute staff
12 from consolidated offices to neighboring offices and local community
13 supercenters.

14 (b) In order to mitigate the effects of office consolidations on
15 customers, the department shall, within existing resources, provide the
16 following enhanced services:

17 (i) Extended daily and weekend hours in regional supercenter
18 offices;

19 (ii) Staffed greeter stations to improve office work flow; and

20 (iii) Self-service stations for online transaction access,
21 including vehicle renewal transactions.

22 (c) In areas that are not consolidated, the department will work to
23 reduce costs by identifying opportunities to share facilities with
24 subagent offices and state, county, or local government offices and by
25 analyzing hours and days of operation to meet demand.

26 (d) The department shall work with vehicle licensing subagents
27 regarding potential placement of self-service driver licensing kiosks
28 in communities that will be affected by licensing services offices
29 closures. The department may place kiosks in those subagent offices
30 where both parties agree, and may pay the subagents the fair market
31 value for any space used for kiosks.

32 (e) The department shall report to the joint transportation
33 committee by November 30, 2009, on the department's consolidation
34 implementation to date and its plan for continued implementation.

35 (3) \$11,688,000 of the highway safety account--state appropriation
36 is provided solely for costs associated with: Issuing enhanced
37 drivers' licenses and identicards at the enhanced licensing services

1 offices; extended hours at those licensing services offices; cross-
2 border tourism education; and other education campaigns. This is the
3 maximum amount the department may expend for this purpose.

4 (4) (~~(\$2,490,000)~~) \$1,315,000 of the ignition interlock device
5 revolving account--state appropriation is provided solely for the
6 department to assist indigent persons with the costs of installing,
7 removing, and leasing the device, and applicable licensing pursuant to
8 RCW 46.68.340.

9 (5) By December 31, 2009, the department shall report to the office
10 of financial management and the transportation committees of the
11 legislature a cost-benefit analysis of leasing versus purchasing field
12 office equipment.

13 (6) By December 31, 2009, the department shall submit to the office
14 of financial management and the transportation committees of the
15 legislature draft legislation that rewrites RCW 46.52.130 (driving
16 record abstracts) in plain language.

17 (7) The department may seek federal funds to implement a driver's
18 license and identicard biometric matching system pilot program to
19 verify the identity of applicants for, and holders of, drivers'
20 licenses and identicards. If funds are received, the department shall
21 report any benefits or problems identified during the course of the
22 pilot program to the transportation committees of the legislature upon
23 the completion of the program.

24 (8) The department may submit information technology-related
25 requests for funding only if the department has coordinated with the
26 department of information services as required under section 601 of
27 this act.

28 (9) Consistent with the authority delegated to the director of
29 licensing under RCW 46.01.100, the department may adopt a new
30 organizational structure that includes the following programs: (a)
31 Driver and vehicle services, which must encompass services relating to
32 driver licensing customers, vehicle industry and fuel tax licensees,
33 and vehicle and vessel licensing and registration; and (b) driver
34 policy and programs, which must encompass policy development for all
35 driver-related programs, including driver examining, driver records,
36 commercial driver's license testing and auditing, driver training
37 schools, motorcycle safety, technical services, hearings, driver

special investigations, drivers' data management, central issuance contract management, and state and federal initiatives.

(10) The legislature finds that measuring the performance of the department requires the measurement of quality, timeliness, and unit cost of services delivered to customers. Consequently:

(a) The department shall develop a set of metrics that measure that performance and report to the transportation committees of the house of representatives and the senate and to the office of financial management on the development of these measurements along with recommendations to the 2010 legislature on which measurements must become a part of the next omnibus transportation appropriations act;

(b) The department shall study the process in place at the licensing services office and present to the 2010 legislature recommendations for process changes to improve efficiencies for both the department and the customer; and

(c) The department shall, on a quarterly basis, report to the transportation committees of the legislature the following monthly data by licensing service office locations: (i) Lease costs; (ii) salary and benefit costs; (iii) other costs; (iv) actual FTEs; (v) number of transactions completed, by type of transaction; and (vi) office hours.

(11) \$25,000 of the motor vehicle account--state appropriation is provided solely for the department to provide to at least five hundred limousine chauffeurs an overview of the laws and rules governing limousine carriers.

(12) \$938,000 of the highway safety account--federal appropriation is for federal funds that may be received during the 2009-11 fiscal biennium. Upon receipt of the funds, the department shall provide a report on the use of the funds to the transportation committees of the legislature and the office of financial management.

(13) \$869,000 of the department of licensing services account--state appropriation is provided solely for purchasing equipment for the field licensing service offices and subagent offices.

Sec. 211. 2009 c 470 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TOLL OPERATIONS AND MAINTENANCE--PROGRAM B

High Occupancy Toll Lanes Operations Account--State

1	Appropriation	(((\$2,867,000))
2		<u>\$2,852,000</u>
3	Motor Vehicle Account--State Appropriation	(((\$585,000))
4		<u>\$575,000</u>
5	Tacoma Narrows Toll Bridge Account--State	
6	Appropriation	(((\$27,358,000))
7		<u>\$26,543,000</u>
8	State Route Number 520 Corridor Account--State	
9	Appropriation	(((\$58,088,000))
10		<u>\$28,000,000</u>
11	<u>State Route Number 520 Civil Penalties</u>	
12	<u>Account--State Appropriation</u>	<u>\$2,130,000</u>
13	TOTAL APPROPRIATION	(((\$88,898,000))
14		<u>\$60,100,000</u>

15 The appropriations in this section are subject to the following
16 conditions and limitations:

17 (1) The department shall make detailed quarterly expenditure
18 reports available to the transportation commission and to the public on
19 the department's web site using current department resources. The
20 reports must include a summary of revenue generated by tolls on the
21 Tacoma Narrows bridge and an itemized depiction of the use of that
22 revenue.

23 (2) The department shall work with the office of financial
24 management to review insurance coverage, deductibles, and limitations
25 on tolled facilities to assure that the assets are well protected at a
26 reasonable cost. Results from this review must be used to negotiate
27 any future new or extended insurance agreements.

28 (3) (((\$58,088,000)) \$28,000,000 of the state route number 520
29 corridor account--state appropriation is provided solely for the costs
30 directly related to tolling the state route number 520 floating bridge.
31 Of this amount, (((\$175,000 is for the immediate costs necessary to
32 pursue a request for proposal to implement variable, open road tolling
33 on the state route number 520 floating bridge. The request for
34 proposal must include tolling infrastructure and signage, customer
35 service centers, collection and billing procedures, and, to the extent
36 practicable, the maintenance and dispensing of transponders by the
37 vendor. The remaining \$57,913,000)) \$8,000,000 must be retained in
38 unallotted status, and may only be released by the office of financial

management after consultation with the joint transportation committee
(~~following the committee's examination of toll operations costs~~
~~referenced in section 204(2) of this act. The amount provided in this~~
~~subsection is contingent on the enactment of (a) Engrossed Substitute~~
~~House Bill No. 2211 and (b) either Engrossed Substitute House Bill No.~~
~~2326 or other legislation authorizing bonds for the state route number~~
~~520 corridor projects. If the conditions of this subsection are not~~
~~satisfied, the amount provided in this subsection shall lapse~~)).

(4) The department shall consider transitioning to all electronic
tolling on the Tacoma Narrows bridge toll facility and discontinuing a
cash toll option.

(5) \$2,130,000 of the state route number 520 civil penalties
account--state appropriation and \$140,000 of the Tacoma Narrows toll
bridge account--state appropriation are provided solely for
expenditures related to the toll adjudication process. The amount
provided in this subsection is contingent on the enactment by June 30,
2010, of either Engrossed Substitute Senate Bill No. 6499 or Substitute
House Bill No. 2897; however, if the enacted bill does not specify the
department as the toll penalty adjudicating agency, the amounts
provided in this subsection lapse.

(6) The department shall review, and revise where appropriate,
current signage and ingress/egress locations on the state route number
167 high occupancy toll lanes pilot project. The department shall
continue to work with the Washington state patrol on educating the
public on the rules of the road related to crossing a double white
line. The department shall continue to monitor the performance of the
high occupancy toll lanes to ensure that driving conditions for high
occupancy vehicles that share these lanes are not significantly
changed.

Sec. 212. 2009 c 470 s 212 (uncodified) is amended to read as
follows:

FOR THE DEPARTMENT OF TRANSPORTATION--INFORMATION TECHNOLOGY--PROGRAM
C

Transportation Partnership Account--State

Appropriation \$2,675,000

Motor Vehicle Account--State Appropriation ((\$67,811,000))

\$68,650,000

1	Motor Vehicle Account--Federal Appropriation	\$240,000
2	Multimodal Transportation Account--State	
3	Appropriation	\$363,000
4	Transportation 2003 Account (Nickel Account)--State	
5	Appropriation	\$2,676,000
6	TOTAL APPROPRIATION	(((\$73,765,000))
7		<u>\$74,604,000</u>

8 The appropriations in this section are subject to the following
9 conditions and limitations:

10 (1) The department shall consult with the office of financial
11 management and the department of information services to: (a) Ensure
12 that the department's current and future system development is
13 consistent with the overall direction of other key state systems; and
14 (b) when possible, use or develop common statewide information systems
15 to encourage coordination and integration of information used by the
16 department and other state agencies and to avoid duplication.

17 (2) \$1,216,000 of the transportation partnership account--state
18 appropriation and \$1,216,000 of the transportation 2003 account (nickel
19 account)--state appropriation are provided solely for the department to
20 develop a project management and reporting system which is a collection
21 of integrated tools for capital construction project managers to use to
22 perform all the necessary tasks associated with project management.
23 The department shall integrate commercial off-the-shelf software with
24 existing department systems and enhanced approaches to data management
25 to provide web-based access for multi-level reporting and improved
26 business work flows and reporting. On a quarterly basis, the
27 department shall report to the office of financial management and the
28 transportation committees of the legislature on the status of the
29 development and integration of the system. At a minimum, the reports
30 shall indicate the status of the work as it compares to the work plan,
31 any discrepancies, and proposed adjustments necessary to bring the
32 project back on schedule or budget if necessary.

33 (3) The department may submit information technology-related
34 requests for funding only if the department has coordinated with the
35 department of information services as required under section 601 of
36 this act.

37 (4) \$573,000 of the motor vehicle account--state appropriation is
38 provided solely for the department to maintain the investment in the

electronic fare system at Washington's ferry terminals. Investment in the electronic fare system must include the following: Replacement of critical hardware components that are at risk of failure; implementation of software to allow ORCA cards to be used for vehicles; repair of the turnstiles to ensure that the turnstiles properly record ORCA credit and debit card charges; and dedication of a communication line for transmission of ORCA data to the clearinghouse.

Sec. 213. 2009 c 470 s 213 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--FACILITY MAINTENANCE, OPERATIONS AND CONSTRUCTION--PROGRAM D--OPERATING

Motor Vehicle Account--State Appropriation	((\$25,501,000))
	<u>\$25,292,000</u>

Sec. 214. 2009 c 470 s 214 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F

Aeronautics Account--State Appropriation	((\$6,009,000))
	<u>\$5,960,000</u>
Aeronautics Account--Federal Appropriation	\$2,150,000
TOTAL APPROPRIATION	((\$8,159,000))
	<u>\$8,110,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$50,000 of the aeronautics account--state appropriation is a reappropriation provided solely to pay any outstanding obligations of the aviation planning council, which expires July 1, 2009.

(2) \$150,000 of the aeronautics account--state appropriation is a reappropriation provided solely to complete runway preservation projects.

(3) Within the amounts provided in this section, the department shall develop guidelines setting forth consultation procedures and a process to assist counties and cities to identify land uses that may be incompatible with airports and aircraft operations, and to encourage and facilitate the adoption and implementation of comprehensive plan policies and development regulations consistent with RCW 36.70.547 and 36.70A.510.

1 **Sec. 215.** 2009 c 470 s 215 (uncodified) is amended to read as
2 follows:

3 **FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM DELIVERY MANAGEMENT AND**
4 **SUPPORT--PROGRAM H**

5	Motor Vehicle Account--State Appropriation	((\$48,032,000))
6		<u>\$49,331,000</u>
7	Motor Vehicle Account--Federal Appropriation	\$500,000
8	Multimodal Transportation Account--State	
9	Appropriation	\$250,000
10	((Water Pollution Account--State Appropriation	\$2,000,000))
11	TOTAL APPROPRIATION	((\$50,782,000))
12		<u>\$50,081,000</u>

13 The appropriations in this section are subject to the following
14 conditions and limitations:

15 (1) The department shall develop a plan for all current and future
16 surplus property parcels based on the recommendations from the surplus
17 property legislative work group that were presented to the senate
18 transportation committee on February 26, 2009. The plan must include,
19 at a minimum, strategies for maximizing the number of parcels sold, a
20 schedule that optimizes proceeds, a recommended cash discount, a plan
21 to report to the joint transportation committee, a recommendation for
22 regional incentives, and a recommendation for equivalent value
23 exchanges. This plan must accompany the department's 2010 supplemental
24 budget request. If the department determines that all or a portion of
25 real property or an interest in real property that was acquired through
26 condemnation within the previous ten years is no longer necessary for
27 a transportation purpose, the former owner has a right of repurchase as
28 described in this subsection. For the purposes of this subsection,
29 "former owner" means the person or entity from whom the department
30 acquired title. At least ninety days prior to the date on which the
31 property is intended to be sold by the department, the department must
32 mail notice of the planned sale to the former owner of the property at
33 the former owner's last known address or to a forwarding address if
34 that owner has provided the department with a forwarding address. If
35 the former owner of the property's last known address, or forwarding
36 address if a forwarding address has been provided, is no longer the
37 former owner of the property's address, the right of repurchase is
38 extinguished. If the former owner notifies the department within

1 thirty days of the date of the notice that the former owner intends to
2 repurchase the property, the department shall proceed with the sale of
3 the property to the former owner for fair market value and shall not
4 list the property for sale to other owners. If the former owner does
5 not provide timely written notice to the department of the intent to
6 exercise a repurchase right, or if the sale to the former owner is not
7 completed within seven months of the date of notice that the former
8 owner intends to repurchase the property, the right of repurchase is
9 extinguished. By December 1, 2010, the department shall report to the
10 legislative transportation committees on the individuals and entities
11 eligible to receive surplus property provided in RCW 47.12.063 to
12 determine the frequency with which the department transfers property to
13 those individuals and entities and the implications to the department.
14 It is the intent of the legislature that the list of individuals and
15 entities eligible to receive surplus property be periodically evaluated
16 to determine whether the list is appropriate and provides utility to
17 the department.

18 ~~((+3+))~~ (2) The legislature recognizes that the Dryden pit site
19 (WSDOT Inventory Control (IC) No. 2-04-00103) is unused state-owned
20 real property under the jurisdiction of the department of
21 transportation, and that the public would benefit significantly from
22 the complete enjoyment of the natural scenic beauty and recreational
23 opportunities available at the site. Therefore, pursuant to RCW
24 47.12.080, the legislature declares that transferring the property to
25 the department of fish and wildlife for recreational use and fish and
26 wildlife restoration efforts is consistent with the public interest in
27 order to preserve the area for the use of the public and the betterment
28 of the natural environment. The department of transportation shall ~~((~~
29 ~~as soon as is practicable,~~~~))~~ work with the department of fish and
30 wildlife, and shall transfer and convey the Dryden pit site to the
31 department of fish and wildlife as is for ~~((adequate consideration in~~
32 ~~the amount of no less than \$600,000))~~ an adjusted fair market value
33 reflecting site conditions, the proceeds of which must be deposited in
34 the motor vehicle fund. ~~((By July 1, 2009))~~ The department of
35 transportation is not responsible for any costs associated with the
36 cleanup or transfer of this property. By July 1, 2010, and annually
37 thereafter until the entire Dryden pit property has been transferred,

1 the department shall submit a status report regarding the transaction
2 to the chairs of the legislative transportation committees.

3 ~~((+5) - \$750,000))~~ (3) \$3,175,000 of the motor vehicle account--state
4 appropriation is provided solely for the department's compliance with
5 its national pollution discharge elimination system permit. The
6 department's work may include the completion of system development,
7 reporting, and planning to meet deadlines in the current biennium. The
8 appropriation provided in this subsection is contingent on either the
9 joint legislative audit and review committee or the joint
10 transportation committee including the analysis identified in sections
11 108(4) and 204 of this act in its respective 2009-11 fiscal biennium
12 work plan by April 15, 2010.

13 ~~((+6))~~ (4) The department shall provide updated information on six
14 project milestones for all active projects, funded in part or in whole
15 with 2005 transportation partnership account funds or 2003 nickel
16 account funds, on a quarterly basis in the transportation executive
17 information system (TEIS). The department shall also provide updated
18 information on six project milestones for projects, funded with
19 preexisting funds and that are agreed to by the legislature, office of
20 financial management, and the department, on a quarterly basis in TEIS.

21 (5) It is the intent of the legislature that the real estate
22 services division of the department will recover the cost of its
23 efforts from future sale proceeds. By January 31, 2011, the department
24 must report to the office of financial management and the legislative
25 transportation committees on the status of surplus property. The
26 report must include: (a) The department's plan for continued disposal
27 of surplus property; (b) a detail of changes from the previous report;
28 and (c) a current list of surplus property by region that includes the
29 acquisition date and price of the property, the status of the surplus
30 property, and estimated value of the property. Except as provided
31 otherwise in this subsection, by June 30, 2010, the department must
32 finalize all pending equal value exchange activity for the construction
33 or improvement of facilities, after which time the department may not
34 pursue any other equal value exchanges for the construction or
35 improvement of facilities. However, the northwest region may pursue an
36 equal value exchange to replace the Mount Baker headquarters office.
37 The exchange may include an exchange for the old Puget Sound energy
38 site, the old Arco site, or any combination of the two.

1 **Sec. 216.** 2009 c 470 s 216 (uncodified) is amended to read as
2 follows:

3 **FOR THE DEPARTMENT OF TRANSPORTATION--ECONOMIC PARTNERSHIPS--PROGRAM**
4 **K**

5	Motor Vehicle Account--State Appropriation	(((\$615,000))
6		<u>\$673,000</u>
7	Multimodal Transportation Account--State Appropriation	\$200,000
8	TOTAL APPROPRIATION	(((\$815,000))
9		<u>\$873,000</u>

10 The appropriations in this section are subject to the following
11 conditions and limitations:

12 (1) \$200,000 of the multimodal transportation account--state
13 appropriation is provided solely for the department to develop and
14 implement public private partnerships at high priority terminals as
15 identified in the January 12, 2009, final report on joint development
16 opportunities at Washington state ferries terminals. The department
17 shall first consider a mutually beneficial agreement at the Edmonds
18 terminal.

19 (2) \$50,000 of the motor vehicle account--state appropriation is
20 provided solely for the department to investigate the potential to
21 generate revenue from web site sponsorships and similar ventures and,
22 if feasible, pursue partnership opportunities.

23 (3) \$75,000 of the motor vehicle account--state appropriation is
24 provided solely for the implementation of a pilot project allowing
25 advertisements and sponsorships on select web pages. The pilot project
26 must be organized under the partnership model described in the
27 department's web site monetizing feasibility study, which was prepared
28 under subsection (2) of this section. Once operational, the pilot
29 project must operate for at least twelve consecutive months. After
30 twelve months of continuous operation, the department shall provide a
31 report with recommendations on whether to continue project operations
32 to the office of financial management and the chairs of the
33 transportation committees. The department may end the pilot project
34 after less than twelve consecutive months of operation if insufficient
35 bids or proposals are received from potential sponsors or advertisers.
36 For the purpose of this subsection, if a consultant contract is
37 warranted, the consultant contract is deemed a revenue generation

activity as that term is construed in section 602(2), chapter 3, Laws of 2010.

Sec. 217. 2009 c 470 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M
Motor Vehicle Account--State Appropriation ((\$347,637,000))
\$347,645,000
Motor Vehicle Account--Federal Appropriation ((\$2,000,000))
\$7,000,000
Motor Vehicle Account--Private/Local Appropriation \$5,797,000
(~~Water Pollution Account--State Appropriation \$12,500,000~~)
TOTAL APPROPRIATION ((\$367,934,000))
\$360,442,000

The appropriations in this section are subject to the following conditions and limitations:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, snow, and major slides, supplemental appropriations must be requested to restore state funding for ongoing maintenance activities.

(2) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle account--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

(3) The department shall request an unanticipated receipt for any private or local funds received for reimbursements of third party damages that are in excess of the motor vehicle account--private/local appropriation.

(4) (~~(\$2,000,000)~~) \$7,000,000 of the motor vehicle account--federal appropriation is for unanticipated federal funds that may be received during the 2009-11 fiscal biennium. Upon receipt of the funds, the department shall provide a report on the use of the funds to the transportation committees of the legislature and the office of financial management.

(5) The department may incur costs related to the maintenance of the decorative lights on the Tacoma Narrows bridge only if:

1 (a) The nonprofit corporation, narrows bridge lights organization,
2 maintains an account balance sufficient to reimburse the department for
3 all costs; and

4 (b) The department is reimbursed from the narrows bridge lights
5 organization within three months from the date any maintenance work is
6 performed. If the narrows bridge lights organization is unable to
7 reimburse the department for any future costs incurred, the lights must
8 be removed at the expense of the narrows bridge lights organization
9 subject to the terms of the contract.

10 (6) The department may work with the department of corrections to
11 utilize corrections crews for the purposes of litter pickup on state
12 highways.

13 (7) \$650,000 of the motor vehicle account--state appropriation is
14 provided solely for increased asphalt costs. ~~((If Senate Bill No. 5976
15 is not enacted by June 30, 2009, the amount provided in this subsection
16 shall lapse.))~~

17 (8) \$16,800,000 of the motor vehicle account--state appropriation
18 is provided solely for the high priority maintenance backlog.
19 Addressing the maintenance backlog must result in increased levels of
20 service.

21 ~~((+10+))~~ (9) \$750,000 of the motor vehicle account--state
22 appropriation is provided solely for the department's compliance with
23 its national pollution discharge elimination system permit.

24 (10) \$317,000 of the motor vehicle account--state appropriation is
25 provided solely for maintaining a new active traffic management system
26 on Interstate 5, Interstate 90, and SR 520. The department shall track
27 the costs associated with these systems on a corridor basis and report
28 to the legislative transportation committees on the cost and benefits
29 of the system.

30 (11) \$286,000 of the motor vehicle account--state appropriation is
31 provided solely for storm water assessment fees charged by local
32 governments.

33 **Sec. 218.** 2009 c 470 s 218 (uncodified) is amended to read as
34 follows:

35 **FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--**
36 **OPERATING**

37 Motor Vehicle Account--State Appropriation ~~((\$51,526,000))~~

1		<u>\$51,128,000</u>
2	Motor Vehicle Account--Federal Appropriation	\$2,050,000
3	Motor Vehicle Account--Private/Local Appropriation	\$127,000
4	TOTAL APPROPRIATION	(((\$53,703,000))
5		<u>\$53,305,000</u>

6 The appropriations in this section are subject to the following
7 conditions and limitations:

8 (1) \$2,400,000 of the motor vehicle account--state appropriation is
9 provided solely for low-cost enhancements. The department shall give
10 priority to low-cost enhancement projects that improve safety or
11 provide congestion relief. The department shall prioritize low-cost
12 enhancement projects on a statewide rather than regional basis. By
13 September 1st of each even-numbered year, the department shall provide
14 a report to the legislature listing all low-cost enhancement projects
15 prioritized on a statewide rather than regional basis completed in the
16 prior year.

17 (2) The department, in consultation with the Washington state
18 patrol, may continue a pilot program for the patrol to issue
19 infractions based on information from automated traffic safety cameras
20 in roadway construction zones on state highways. For the purpose of
21 this pilot program, during the 2009-11 fiscal biennium, a roadway
22 construction zone includes areas where public employees or private
23 contractors are not present but where a driving condition exists that
24 would make it unsafe to drive at higher speeds, such as, when the
25 department is redirecting or realigning lanes on any public roadway
26 pursuant to ongoing construction. The department shall use the
27 following guidelines to administer the program:

28 (a) Automated traffic safety cameras may only take pictures of the
29 vehicle and vehicle license plate and only while an infraction is
30 occurring. The picture must not reveal the face of the driver or of
31 passengers in the vehicle;

32 (b) The department shall plainly mark the locations where the
33 automated traffic safety cameras are used by placing signs on locations
34 that clearly indicate to a driver that he or she is entering a roadway
35 construction zone where traffic laws are enforced by an automated
36 traffic safety camera;

37 (c) Notices of infractions must be mailed to the registered owner
38 of a vehicle within fourteen days of the infraction occurring;

1 (d) The owner of the vehicle is not responsible for the violation
2 if the owner of the vehicle, within fourteen days of receiving
3 notification of the violation, mails to the patrol, a declaration under
4 penalty of perjury, stating that the vehicle involved was, at the time,
5 stolen or in the care, custody, or control of some person other than
6 the registered owner, or any other extenuating circumstances;

7 (e) For purposes of the 2009-11 fiscal biennium pilot program,
8 infractions detected through the use of automated traffic safety
9 cameras are not part of the registered owner's driving record under RCW
10 46.52.101 and 46.52.120. Additionally, infractions generated by the
11 use of automated traffic safety cameras must be processed in the same
12 manner as parking infractions for the purposes of RCW 3.50.100,
13 35.20.220, 46.16.216, and 46.20.270(3). However, the amount of the
14 fine issued under this subsection (2) for an infraction generated
15 through the use of an automated traffic safety camera is one hundred
16 thirty-seven dollars. The court shall remit thirty-two dollars of the
17 fine to the state treasurer for deposit into the state patrol highway
18 account; and

19 (f) If a notice of infraction is sent to the registered owner and
20 the registered owner is a rental car business, the infraction must be
21 dismissed against the business if it mails to the patrol, within
22 fourteen days of receiving the notice, a declaration under penalty of
23 perjury of the name and known mailing address of the individual driving
24 or renting the vehicle when the infraction occurred. If the business
25 is unable to determine who was driving or renting the vehicle at the
26 time the infraction occurred, the business must sign a declaration
27 under penalty of perjury to this effect. The declaration must be
28 mailed to the patrol within fourteen days of receiving the notice of
29 traffic infraction. Timely mailing of this declaration to the issuing
30 agency relieves a rental car business of any liability under this
31 section for the notice of infraction. A declaration form suitable for
32 this purpose must be included with each automated traffic infraction
33 notice issued, along with instructions for its completion and use.

34 (3) The department shall implement a pilot project to evaluate the
35 benefits of using electronic traffic flagging devices. Electronic
36 traffic flagging devices must be tested by the department at multiple
37 sites and reviewed for efficiency and safety. The department shall

1 report to the transportation committees of the legislature on the best
2 use and practices involving electronic traffic flagging devices,
3 including recommendations for future use, by June 30, 2010.

4 (4) \$173,000 of the motor vehicle account--state appropriation is
5 provided solely for the department to continue a pilot tow truck
6 incentive program and to expand the program to other areas of the
7 state. The department may provide incentive payments to towing
8 companies that meet clearance goals on accidents that involve heavy
9 trucks. The department shall report to the office of financial
10 management and the transportation committees of the legislature on the
11 effectiveness of the clearance goals and submit recommendations to
12 improve the pilot program with the department's 2010 supplemental
13 omnibus transportation appropriations act submittal. The tow truck
14 incentive program may continue to provide incentives for quick
15 clearance of traffic incidents involving large vehicles. The
16 department shall make recommendations as part of its biennial budget
17 proposal for expanding the use of the incentive program.

18 (5) \$92,000 of the motor vehicle account--state appropriation is
19 provided solely for operating a new active traffic management system on
20 Interstate 5, Interstate 90, and SR 520. The department shall track
21 the costs associated with these systems on a corridor basis and report
22 to the legislative transportation committees on the cost and benefits
23 of the system.

24 (6) To the extent practicable, the department shall synchronize
25 traffic lights on state route number 161 in the vicinity of Puyallup.

26 (7) During the 2009-11 biennium, the department shall implement a
27 pilot program that expands private transportation providers' access to
28 high occupancy vehicle lanes. Under the pilot program, when the
29 department reserves a portion of a highway based on the number of
30 passengers in a vehicle, the following vehicles must be authorized to
31 use the reserved portion of the highway if the vehicle has the capacity
32 to carry eight or more passengers, regardless of the number of
33 passengers in the vehicle: (a) Auto transportation company vehicles
34 regulated under chapter 81.68 RCW; (b) passenger charter carrier
35 vehicles regulated under chapter 81.70 RCW, except marked or unmarked
36 stretch limousines and stretch sport utility vehicles as defined under
37 department rules; (c) private nonprofit transportation provider
38 vehicles regulated under chapter 81.66 RCW; and (d) private employer

transportation service vehicles. For purposes of this subsection,
"private employer transportation service" means regularly scheduled,
fixed-route transportation service that is offered by an employer for
the benefit of its employees. By June 30, 2011, the department shall
report to the transportation committees of the legislature on whether
private transportation provider use of high occupancy vehicle lanes
under the pilot program reduces the speeds of high occupancy vehicle
lanes. Nothing in this subsection is intended to authorize the
conversion of public infrastructure to private, for-profit purposes or
to otherwise create an entitlement or other claim by private users to
public infrastructure.

Sec. 219. 2009 c 470 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S

Motor Vehicle Account--State Appropriation	((\$29,153,000))
	<u>\$28,468,000</u>
Motor Vehicle Account--Federal Appropriation	\$30,000
Multimodal Transportation Account--State	
Appropriation	((\$973,000))
	<u>\$971,000</u>
State Route Number 520 Corridor Account--State	
Appropriation	\$264,000
TOTAL APPROPRIATION	((\$30,420,000))
	<u>\$29,733,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$264,000 of the state route number 520 corridor account--state appropriation is provided solely for the costs directly related to tolling the state route number 520 floating bridge. This amount must be retained in unallotted status, and may only be released by the office of financial management after consultation with the joint transportation committee ~~((following the committee's examination of toll operations costs referenced in section 204(2) of this act. The amount provided in this section is contingent on the enactment of (1) Engrossed Substitute House Bill No. 2211 and (2) either Engrossed Substitute House Bill No. 2326 or other legislation~~

authorizing bonds for the state route number 520 corridor projects. If the conditions of this section are not satisfied, the amount provided in this section shall lapse)).

Sec. 220. 2009 c 470 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T

Motor Vehicle Account--State Appropriation	((\$24,724,000))
	<u>\$25,955,000</u>
Motor Vehicle Account--Federal Appropriation	((\$19,116,000))
	<u>\$22,002,000</u>
Multimodal Transportation Account--State Appropriation	((\$696,000))
	<u>\$1,090,000</u>
Multimodal Transportation Account--Federal Appropriation	((\$2,809,000))
	<u>\$3,287,000</u>
Multimodal Transportation Account--Private/Local Appropriation	((\$100,000))
	<u>\$99,000</u>
TOTAL APPROPRIATION	((\$47,445,000))
	<u>\$52,433,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$150,000 of the motor vehicle account--federal appropriation is provided solely for the costs to develop an electronic map-based computer application that will enable law enforcement officers and others to more easily locate collisions and other incidents in the field.

(2) \$400,000 of the ((motor -- vehicle -- account)) multimodal transportation account--state appropriation is provided solely for a diesel multiple unit feasibility and initial planning study. The study must evaluate potential service on the Stampede Pass line from Maple Valley to Auburn via Covington. The study must evaluate the potential demand for service, the business model and capital needs for launching and running the line, and the need for improvements in switching, signaling, and tracking. The study must also consider the

interconnectivity benefits of, and potential for, future Amtrak Cascades stops in south King county and north Pierce county. As part of its consideration, the department shall conduct a thorough market analysis of the potential for adding or changing stops on the Amtrak Cascades route. The department shall amend the scope, schedule, and budget of the current study process to accommodate the market analysis. A report on the study must be submitted to the legislature by ~~((June))~~ September 30, 2010.

(3) ~~((\$243,000))~~ \$365,000 of the motor vehicle account--state appropriation and \$81,000 of the motor vehicle account--federal appropriation are provided solely for the development of a freight database to help guide freight investment decisions and track project effectiveness. The database must be based on truck movement tracked through geographic information system technology. For the remainder of the biennium, the department may expand data collection to any highways that have high truck volumes. TransNow shall contribute additional federal funds that are not appropriated in this act. The department shall work with the freight mobility strategic investment board to implement this database.

(4) \$2,000,000 of the motor vehicle account--state appropriation is provided solely for scoping unfunded state highway projects to ensure that a well-vetted project list is available for future program funding discussions.

(a) It is the intent of the legislature that the funding provided in this subsection support the development of transportation solutions that benefit all state residents, including addressing the impacts of traffic diversion from tolled facilities. It is further the intent of the legislature that the buying power of future revenue packages is maximized.

(b) Scoping work must be consistent with achieving transportation system policy goals as stated in RCW 47.04.280.

(c) The department shall provide cost-effective design solutions that achieve the desired functional outcomes. This may be achieved by providing one or more design alternatives for legislative consideration, based on a reasonable range of assumptions about traffic volume and speeds.

(d) Prior to the commencement of the 2011 legislative session, the

department shall provide a report to the legislative transportation committees and the office of financial management that includes estimated costs and construction time frames.

(5) \$150,000 of the motor vehicle account--state appropriation is provided solely for a corridor study of state route number 516 from the eastern border of Maple Valley to state route number 167 to determine whether improvements are needed and the costs of any needed improvements.

(6) \$500,000 of the multimodal transportation account--federal appropriation is provided solely for continued support of the International Mobility and Trade Corridor project and for the department to work with the Whatcom council of governments to examine potential improvements to international border freight and passenger rail movement and the use of diesel multiple units.

(7) \$80,000 of the motor vehicle account--state appropriation is provided solely to continue existing work regarding feasibility of a new interchange between Rochester and Harrison Avenue on Interstate 5.

Sec. 221. 2009 c 470 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM V

Regional Mobility Grant Program Account--State

Appropriation	((\$54,677,000))
	<u>\$65,274,000</u>

Multimodal Transportation Account--State

Appropriation	((\$65,795,000))
	<u>\$65,667,000</u>

Multimodal Transportation Account--Federal

Appropriation	((\$2,582,000))
	<u>\$2,573,000</u>

Multimodal Transportation Account--Private/Local

Appropriation	((\$1,027,000))
	<u>\$1,025,000</u>

TOTAL APPROPRIATION	((\$124,081,000))
	<u>\$134,539,000</u>

The appropriations in this section are subject to the following conditions and limitations:

1 (1) \$25,000,000 of the multimodal transportation account--state
2 appropriation is provided solely for a grant program for special needs
3 transportation provided by transit agencies and nonprofit providers of
4 transportation.

5 (a) \$5,500,000 of the amount provided in this subsection is
6 provided solely for grants to nonprofit providers of special needs
7 transportation. Grants for nonprofit providers shall be based on need,
8 including the availability of other providers of service in the area,
9 efforts to coordinate trips among providers and riders, and the cost
10 effectiveness of trips provided.

11 (b) \$19,500,000 of the amount provided in this subsection is
12 provided solely for grants to transit agencies to transport persons
13 with special transportation needs. To receive a grant, the transit
14 agency must have a maintenance of effort for special needs
15 transportation that is no less than the previous year's maintenance of
16 effort for special needs transportation. Grants for transit agencies
17 shall be prorated based on the amount expended for demand response
18 service and route deviated service in calendar year 2007 as reported in
19 the "Summary of Public Transportation - 2007" published by the
20 department of transportation. No transit agency may receive more than
21 thirty percent of these distributions.

22 (2) Funds are provided for the rural mobility grant program as
23 follows:

24 (a) \$8,500,000 of the multimodal transportation account--state
25 appropriation is provided solely for grants for those transit systems
26 serving small cities and rural areas as identified in the "Summary of
27 Public Transportation - 2007" published by the department of
28 transportation. Noncompetitive grants must be distributed to the
29 transit systems serving small cities and rural areas in a manner
30 similar to past disparity equalization programs.

31 (b) \$8,500,000 of the multimodal transportation account--state
32 appropriation is provided solely to providers of rural mobility service
33 in areas not served or underserved by transit agencies through a
34 competitive grant process.

35 (3) \$7,000,000 of the multimodal transportation account--state
36 appropriation is provided solely for a vanpool grant program for: (a)
37 Public transit agencies to add vanpools or replace vans; and (b)
38 incentives for employers to increase employee vanpool use. The grant

1 program for public transit agencies will cover capital costs only;
2 operating costs for public transit agencies are not eligible for
3 funding under this grant program. Additional employees may not be
4 hired from the funds provided in this section for the vanpool grant
5 program, and supplanting of transit funds currently funding vanpools is
6 not allowed. The department shall encourage grant applicants and
7 recipients to leverage funds other than state funds. At least
8 \$1,600,000 of this amount must be used for vanpool grants in congested
9 corridors.

10 (4) \$400,000 of the multimodal transportation account--state
11 appropriation is provided solely for a grant for a flexible carpooling
12 pilot project program to be administered and monitored by the
13 department. Funds are appropriated for one time only. The pilot
14 project program must: Test and implement at least one flexible
15 carpooling system in a high-volume commuter area that enables
16 carpooling without prearrangement; utilize technologies that, among
17 other things, allow for transfer of ride credits between participants;
18 and be a membership system that involves prescreening to ensure safety
19 of the participants. The program must include a pilot project that
20 targets commuter traffic on the state route number 520 bridge. The
21 department shall submit to the legislature by December 2010 a report on
22 the program results and any recommendations for additional flexible
23 carpooling programs.

24 (5) \$3,318,000 of the multimodal transportation account--state
25 appropriation and \$21,248,000 of the regional mobility grant program
26 account--state appropriation are reappropriated and provided solely for
27 the regional mobility grant projects identified on the LEAP
28 Transportation Document 2007-B, as developed April 20, 2007, or the
29 LEAP Transportation Document 2006-D, as developed March 8, 2006. The
30 department shall continue to review all projects receiving grant awards
31 under this program at least semiannually to determine whether the
32 projects are making satisfactory progress. The department shall
33 promptly close out grants when projects have been completed, and any
34 remaining funds available to the office of transit mobility must be
35 used only to fund projects on the LEAP Transportation Document 2006-D,
36 as developed March 8, 2006; the LEAP Transportation Document 2007-B, as
37 developed April 20, 2007; or the LEAP Transportation Document 2009-B,
38 as developed April 24, 2009. It is the intent of the legislature to

1 appropriate funds through the regional mobility grant program only for
2 projects that will be completed on schedule. However, the Chuckanut
3 park and ride project (101100G) is recognized as a crucial investment
4 in the transportation system. For this reason, the department shall
5 not close out the grant for the Chuckanut park and ride project until
6 Skagit transit has exhausted all other pending opportunities for
7 federal and local funds. If additional funds cannot be secured, the
8 department shall consider this project a priority in the 2011-13 grant
9 process. The department shall make every effort to advance the
10 Chuckanut park and ride project within existing resources.

11 (6) \$33,429,000 of the regional mobility grant program account--
12 state appropriation is provided solely for the regional mobility grant
13 projects identified in LEAP Transportation Document 2009-B, as
14 developed April 24, 2009. The department shall review all projects
15 receiving grant awards under this program at least semiannually to
16 determine whether the projects are making satisfactory progress. Any
17 project that has been awarded funds, but does not report activity on
18 the project within one year of the grant award, must be reviewed by the
19 department to determine whether the grant should be terminated. The
20 department shall promptly close out grants when projects have been
21 completed, and any remaining funds available to the office of transit
22 mobility must be used only to fund projects identified in LEAP
23 Transportation Document 2009-B, as developed April 24, 2009. The
24 department shall provide annual status reports on December 15, 2009,
25 and December 15, 2010, to the office of financial management and the
26 transportation committees of the legislature regarding the projects
27 receiving the grants. It is the intent of the legislature to
28 appropriate funds through the regional mobility grant program only for
29 projects that will be completed on schedule.

30 (7) \$10,596,768 of the regional mobility grant program account--
31 state appropriation must be obligated no later than December 31, 2010,
32 and is provided solely for the following recommended contingency
33 regional mobility grant projects identified in the 2009-11 omnibus
34 transportation appropriations act, LEAP Transportation Document 2009-B,
35 as developed April 24, 2009, as follows:

36 (a) \$4,000,000 is provided solely for the Rainier/Jackson transit
37 priority corridor improvements;

1 (b) \$2,100,000 is provided solely for the state route number 522
2 west city limits to Northeast 180th stage 2A (91st Ave NE to west of
3 96th Ave NE) project; and

4 (c) \$4,496,768 is provided solely for the sound transit express bus
5 expansion - Snohomish to King county project.

6 (8) \$300,000 of the multimodal transportation account--state
7 appropriation is provided solely for a transportation demand management
8 program, developed by the Whatcom council of governments, to further
9 reduce drive-alone trips and maximize the use of sustainable
10 transportation choices. The community-based program must focus on all
11 trips, not only commute trips, by providing education, assistance, and
12 incentives to four target audiences: (a) Large work sites; (b)
13 employees of businesses in downtown areas; (c) school children; and (d)
14 residents of Bellingham.

15 ~~((+8+))~~ (9) \$130,000 of the multimodal transportation account--
16 state appropriation is provided solely to the department to distribute
17 to support Engrossed Substitute House Bill No. 2072 (special needs
18 transportation).

19 (a) \$80,000 of the amount provided in this subsection is provided
20 solely for implementation of the work group related to federal
21 requirements in section 1, chapter . . . (Engrossed Substitute House
22 Bill No. 2072), Laws of 2009.

23 (b) \$50,000 of the amount provided in this subsection is provided
24 solely to support the pilot project to be developed or implemented by
25 the local coordinating coalition comprised of a single county,
26 described in sections 9, 10, and 11, chapter . . . (Engrossed
27 Substitute House Bill No. 2072), Laws of 2009. The department shall
28 assist the local coordinating coalition to seek funding sufficient to
29 fully fund the pilot project from a variety of sources including, but
30 not limited to, the regional transit authority serving the county, the
31 regional transportation planning organization serving the county, and
32 other appropriate state and federal agencies and grants. Development
33 or implementation of the pilot project is contingent on securing
34 funding sufficient to fully fund the pilot project.

35 (c) If Engrossed Substitute House Bill No. 2072 is not enacted by
36 June 30, 2009, the amount provided in this subsection ~~((+8+))~~ (9)
37 lapses. If Engrossed Substitute House Bill No. 2072 is enacted by June
38 30, 2009, but a commitment from other sources to fully fund the pilot

1 project described in (b) of this subsection has not been obtained by
2 September 30, 2009, the amount provided in (b) of this subsection
3 lapses.

4 ~~((+9+))~~ (10) Funds provided for the commute trip reduction program
5 may also be used for the growth and transportation efficiency center
6 program.

7 ~~((+10+))~~ (11) An affected urban growth area that has not previously
8 implemented a commute trip reduction program is exempt from the
9 requirements in RCW 70.94.527 if a solution to address the state
10 highway deficiency that exceeds the person hours of delay threshold has
11 been funded and is in progress during the 2009-11 fiscal biennium.

12 ~~((+11+))~~ (12) \$2,309,000 of the multimodal transportation account--
13 state appropriation is provided solely for the tri-county connection
14 service for Island, Skagit, and Whatcom transit agencies.

15 (13) During the 2009-11 biennium, the department shall implement a
16 pilot project that expands opportunities for private transportation
17 providers' use of high occupancy vehicle lanes, transit-only lanes, and
18 certain park and ride facilities. Nothing in this subsection is
19 intended to authorize the conversion of public infrastructure to
20 private, for-profit purposes or to otherwise create an entitlement or
21 other claim by private users to public infrastructure. The pilot
22 project must establish that to receive grant funding from a program
23 administered by the public transportation office of the department
24 during the 2009-11 biennium, the local jurisdiction in which the
25 applicant is located must be able to show that it has in place an
26 application process for the reasonable use by private transportation
27 providers of high occupancy vehicle lanes, transit-only lanes, and
28 certain park and ride facilities that are regulated by the local
29 jurisdiction. If a private transportation provider clearly
30 demonstrates that the local jurisdiction failed to consider an
31 application in good faith, the department may not award the
32 jurisdiction any grant funding. Reasonable use exists if the private
33 transportation provider has applied for the use of: (a) High occupancy
34 vehicle or transit-only lanes, and such use will not interfere with the
35 safety of public transportation operations and not reduce the speed of
36 the lanes more than five percent during peak hours; and (b) a park and
37 ride lot (i) during peak hours at a lot that is below ninety percent
38 capacity during peak hours or (ii) during off-peak hours only. A

transit agency may require that a private transportation provider enter into an agreement for use of the park and ride lot, and may include provisions to recover actual costs for the use of the lot and its related facilities. For purposes of this subsection: A "private transportation provider" means an auto transportation company regulated under chapter 81.68 RCW; a passenger charter carrier regulated under chapter 81.70 RCW; a private nonprofit transportation provider regulated under chapter 81.66 RCW; or a private employer transportation service provider; and "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees.

Sec. 222. 2009 c 470 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X

Puget Sound Ferry Operations Account--State

Appropriation	((\$400,592,000))
	<u>\$425,922,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) ((~~\$53,110,560~~)) \$78,754,952 of the Puget Sound ferry operations account--state appropriation is provided solely for auto ferry vessel operating fuel in the 2009-11 fiscal biennium. This appropriation is contingent upon the enactment of sections 716 and 701 of this act. All fuel purchased by the Washington state ferries at Harbor Island truck terminal for the operation of the Washington state ferries diesel powered vessels must be a minimum of five percent biodiesel blend so long as the per gallon price of diesel containing a five percent biodiesel blend level does not exceed the per gallon price of diesel by more than five percent.

(2) To protect the waters of Puget Sound, the department shall investigate nontoxic alternatives to fuel additives and other commercial products that are used to operate, maintain, and preserve vessels.

(3) If, after the department's review of fares and pricing policies, the department proposes a fuel surcharge, the department must evaluate other cost savings and fuel price stabilization strategies that would be implemented before the imposition of a fuel surcharge.

1 The department shall report to the legislature and transportation
2 commission on its progress of implementing new fuel forecasting and
3 budgeting practices, price hedging contracts for fuel purchases, and
4 fuel conservation strategies by November 30, 2010.

5 (4) The department shall strive to significantly reduce the number
6 of injuries suffered by Washington state ferries employees. By
7 December 15, 2009, the department shall submit to the office of
8 financial management and the transportation committees of the
9 legislature its implementation plan to reduce such injuries.

10 (5) The department shall continue to provide service to Sidney,
11 British Columbia. The department may place a Sidney terminal departure
12 surcharge on fares for out of state residents riding the Washington
13 state ferry route that runs between Anacortes, Washington and Sidney,
14 British Columbia, if the cost for landing/license fee, taxes, and
15 additional amounts charged for docking are in excess of \$280,000 CDN.
16 The surcharge must be limited to recovering amounts above \$280,000 CDN.

17 (6) The department shall analyze operational solutions to enhance
18 service on the Bremerton to Seattle ferry run. The Washington state
19 ferries shall report its analysis to the transportation committees of
20 the legislature by December 1, 2009.

21 (7) The office of financial management budget instructions require
22 agencies to recast enacted budgets into activities. The Washington
23 state ferries shall include a greater level of detail in its 2011-13
24 omnibus transportation appropriations act request, as determined
25 jointly by the office of financial management, the Washington state
26 ferries, and the legislative transportation committees.

27 (8) (~~(\$3,000,000)~~) \$4,794,000 of the Puget Sound ferry operations
28 account--state appropriation is provided solely for commercial
29 insurance for ferry assets. The office of financial management, after
30 consultation with the transportation committees of the legislature,
31 must present a business plan for the Washington state ferry system's
32 insurance coverage to the 2010 legislature. The business plan must
33 include a cost-benefit analysis of Washington state ferries' current
34 commercial insurance purchased for ferry assets and a review of self-
35 insurance for noncatastrophic events.

36 (9) \$1,100,000 of the Puget Sound ferry operations account--state
37 appropriation is provided solely for a marketing program. The
38 department shall present a marketing program proposal to the

1 transportation committees of the legislature during the 2010
2 legislative session before implementing this program. Of this amount,
3 \$10,000 is for the city of Port Townsend and \$10,000 is for the town of
4 Coupeville for mitigation expenses related to only one vessel operating
5 on the Port Townsend/Keystone ferry route. The moneys provided to the
6 city of Port Townsend and town of Coupeville are not contingent upon
7 the required marketing proposal.

8 (10) \$350,000 of the Puget Sound ferry operations account--state
9 appropriation is provided solely for two extra trips per day during the
10 summer of 2009 season, beyond the current schedule, on the Port
11 Townsend/Keystone route.

12 (11) When purchasing uniforms that are required by collective
13 bargaining agreements, the department shall contract with the lowest
14 cost provider.

15 (12) The legislature finds that measuring the performance of
16 Washington state ferries requires the measurement of quality,
17 timeliness, and unit cost of services delivered to customers.
18 Consequently, the department must develop a set of metrics that measure
19 that performance and report to the transportation committees of the
20 legislature and to the office of financial management on the
21 development of these measurements along with recommendations to the
22 2010 legislature on which measurements must become a part of the next
23 omnibus transportation appropriations act.

24 (13) As a priority task, the department is directed to propose a
25 comprehensive incident and accident investigation policy and
26 appropriate procedures, and to provide the proposal to the legislature
27 by November 1, 2009, using existing resources and staff expertise. In
28 addition to consulting with ferry system unions and the United States
29 coast guard, the Washington state ferries is encouraged to solicit
30 independent outside expertise on incident and accident investigation
31 best practices as they may be found in other organizations with a
32 similar concern for marine safety. It is the intent of the legislature
33 to enact the policies into law and to publish that law and procedures
34 as a manual for Washington state ferries' accident/incident
35 investigations. Until that time, the Washington state ferry system
36 must exercise particular diligence to assure that any incident or
37 accident investigations are conducted within the spirit of the

1 guidelines of this act. The proposed policy must contain, at a
2 minimum:

3 (a) The definition of an incident and an accident and the type of
4 investigation that is required by both types of events;

5 (b) The process for appointing an investigating officer or officers
6 and a description of the authorities and responsibilities of the
7 investigating officer or officers. The investigating officer or
8 officers must:

9 (i) Have the appropriate training and experience as determined by
10 the policy;

11 (ii) Not have been involved in the incident or accident so as to
12 avoid any conflict of interest;

13 (iii) Have full access to all persons, records, and relevant
14 organizations that may have information about or may have contributed
15 to, directly or indirectly, the incident or accident under
16 investigation, in compliance with any affected employee's or employees'
17 respective collective bargaining agreement and state laws and rules
18 regarding public disclosure under chapter 42.56 RCW;

19 (iv) Be provided with, if requested by the investigating officer or
20 officers, appropriate outside technical expertise; and

21 (v) Be provided with staff and legal support by the Washington
22 state ferries as may be appropriate to the type of investigation;

23 (c) The process of working with the affected employee or employees
24 in accordance with the employee's or employees' respective collective
25 bargaining agreement and the appropriate union officials, within
26 protocols afforded to all public employees;

27 (d) The process by which the United States coast guard is kept
28 informed of, interacts with, and reviews the investigation;

29 (e) The process for review, approval, and implementation of any
30 approved recommendations within the department; and

31 (f) The process for keeping the public informed of the
32 investigation and its outcomes, in compliance with any affected
33 employee's or employees' respective collective bargaining agreement and
34 state laws and rules regarding public disclosure under chapter 42.56
35 RCW.

36 (14) \$7,300,000 of the Puget Sound ferry operations account--state
37 appropriation is provided solely for the purposes of travel time
38 associated with Washington state ferries employees. However, if

1 Engrossed Substitute House Bill No. 3209 (managing costs of ferry
2 system) is enacted by June 30, 2010, containing an appropriation for
3 purposes of travel time associated with Washington state ferries
4 employees, the amount provided in this subsection lapses.

5 (15) \$50,000 of the Puget Sound ferry operations account--state
6 appropriation is provided solely to implement a mechanism to report on-
7 time performance statistics.

8 (a) The department shall conduct a study to identify process
9 changes that would improve on-time performance on a route-by-route
10 basis. The study must include looking into the slowing down of vessels
11 for fuel economy purposes and touch-and-go sailings on peak runs. The
12 department shall report its findings to the transportation committees
13 of the senate and house of representatives by December 1, 2010.

14 (b) The department shall, by November 1, 2010, report to the
15 transportation committees of the legislature statistics regarding its
16 on-time arrival and departure status on a route-by-route and month-by-
17 month basis, as well as an annual route-by-route and systemwide basis,
18 weighted by the number of customers on each sailing and distinguishing
19 peak period on-time performance. The statistics must include reasons
20 for any delays over ten minutes from the scheduled time. The
21 statistics must be prominently displayed on the Washington state
22 ferries' web site. Each Washington state ferries vessel and terminal
23 must prominently display the statistics as they relate to their
24 specific route.

25 (16) The department shall investigate outsourcing the call center
26 functions planned for the ferry reservation system and report its
27 findings to the transportation committees of the senate and house of
28 representatives by December 15, 2010.

29 (17) By July 1, 2010, the department shall provide to the governor
30 and the transportation committees of the senate and house of
31 representatives a listing of all benefits that Washington state ferries
32 union employees receive that other state employees do not traditionally
33 receive. The listing must include any costs associated with these
34 benefits.

35 **Sec. 223.** 2009 c 470 s 224 (uncodified) is amended to read as
36 follows:

1 **FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING**

2 Multimodal Transportation Account--State

3 Appropriation ((~~\$34,933,000~~))

4 \$37,371,000

5 The appropriation in this section is subject to the following
6 conditions and limitations:

7 (1) ((~~\$29,091,000~~)) \$31,591,000 of the multimodal transportation
8 account--state appropriation is provided solely for the Amtrak service
9 contract and Talgo maintenance contract associated with providing and
10 maintaining the state-supported passenger rail service. Upon
11 completion of the rail platform project in the city of Stanwood, the
12 department shall provide daily Amtrak Cascades service to the city.

13 (2) Amtrak Cascade runs may not be eliminated.

14 (3) The department shall begin planning for a third roundtrip
15 Cascades train between Seattle and Vancouver, B.C. by 2010.

16 **Sec. 224.** 2009 c 470 s 225 (uncodified) is amended to read as
17 follows:

18 **FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--**
19 **OPERATING**

20 Motor Vehicle Account--State Appropriation ((~~\$8,739,000~~))

21 \$8,621,000

22 Motor Vehicle Account--Federal Appropriation ((~~\$2,567,000~~))

23 \$2,545,000

24 TOTAL APPROPRIATION ((~~\$11,306,000~~))

25 \$11,166,000

26 **TRANSPORTATION AGENCIES--CAPITAL**

27 **Sec. 301.** 2009 c 470 s 302 (uncodified) is amended to read as
28 follows:

29 **FOR THE COUNTY ROAD ADMINISTRATION BOARD**

30 Rural Arterial Trust Account--State Appropriation . . . ((~~\$51,000,000~~))

31 \$73,000,000

32 Motor Vehicle Account--State Appropriation \$1,048,000

33 County Arterial Preservation Account--State

34 Appropriation \$31,400,000

TOTAL APPROPRIATION ((~~\$83,448,000~~))
\$105,448,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,048,000 of the motor vehicle account--state appropriation may be used for county ferry projects as developed pursuant to RCW 47.56.725(4).

(2) The appropriations in this section include funding to counties to assist them in efforts to recover from federally declared emergencies, by providing capitalization advances and local match for federal emergency funding as determined by the county road administration board. The county road administration board shall specifically identify any such selected projects and shall include information concerning such selected projects in its next annual report to the legislature.

(3) \$22,000,000 of the rural arterial trust account--state appropriation is provided solely for additional grants for county road projects as approved by the county road administration board.

Sec. 302. 2009 c 470 s 303 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Small City Pavement and Sidewalk Account--State

Appropriation ((~~\$5,779,000~~))
\$3,927,000

Urban Arterial Trust Account--State Appropriation ((~~\$122,400,000~~))
\$123,900,000

Transportation Improvement Account--State

Appropriation ((~~\$85,643,000~~))
\$81,643,000

TOTAL APPROPRIATION ((~~\$213,822,000~~))
\$209,470,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The transportation improvement account--state appropriation includes up to \$7,143,000 in proceeds from the sale of bonds authorized in RCW 47.26.500.

(2) The urban arterial trust account--state appropriation includes up to (~~(\$15,000,000)~~) \$7,143,000 in proceeds from the sale of bonds authorized in RCW 47.26.420.

Sec. 303. 2009 c 470 s 306 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I

Multimodal Transportation Account--State

Appropriation (~~(\$1,000)~~)
\$98,000

Transportation Partnership Account--State

Appropriation (~~(\$1,723,834,000)~~)
\$1,665,644,000

Motor Vehicle Account--State Appropriation (~~(\$80,735,000)~~)
\$85,534,000

Motor Vehicle Account--Federal Appropriation (~~(\$410,341,000)~~)
\$570,107,000

Motor Vehicle Account--Private/Local

Appropriation (~~(\$65,494,000)~~)
\$70,714,000

Special Category C Account--State Appropriation (~~(\$24,549,000)~~)
\$25,221,000

Transportation 2003 Account (Nickel Account)--State

Appropriation (~~(\$703,708,000)~~)
\$713,205,000

Freight Mobility Multimodal Account--State

Appropriation (~~(\$4,422,000)~~)
\$4,574,000

Tacoma Narrows Toll Bridge Account--State

Appropriation (~~(\$788,000)~~)
\$789,000

State Route Number 520 Corridor Account--State

Appropriation (~~(\$106,000,000)~~)
\$231,763,000

State Route Number 520 Civil Penalties Account--State

Appropriation \$1,190,000

TOTAL APPROPRIATION (~~(\$3,119,872,000)~~)

\$3,368,839,000

1 The appropriations in this section are subject to the following
2 conditions and limitations:

3 (1) Except as provided otherwise in this section, the entire
4 transportation 2003 account (nickel account) appropriation and the
5 entire transportation partnership account appropriation are provided
6 solely for the projects and activities as listed by fund, project, and
7 amount in LEAP Transportation Document ((2009-1)) 2010-1 as developed
8 ((~~April 24, 2009~~)) March 8, 2010, Program - Highway Improvement Program
9 (I). However, limited transfers of specific line-item project
10 appropriations may occur between projects for those amounts listed
11 subject to the conditions and limitations in section 603 of this act.

12 (2) ~~((As a result of economic changes since the initial development
13 of the improvement program budget for the 2009-11 fiscal biennium, the
14 department has received bids on construction contracts over the last
15 several months that are favorable with respect to current estimates of
16 project costs. National economic forecasts indicate that inflationary
17 pressures are likely to remain lower than previously expected for the
18 next several years. As a result, the nominal project cost totals shown
19 in LEAP Transportation Document 2009-1 in aggregate for the 2009-11
20 fiscal biennium and the 2011-13 fiscal biennium are expected to exceed
21 the likely amount necessary to deliver the projects listed within those
22 biennia by \$63,500,000 in the 2009-11 fiscal biennium and \$52,700,000
23 in the 2011-13 fiscal biennium. The appropriations provided in this
24 section for the projects in those biennia are therefore \$63,500,000
25 less in the 2009-11 fiscal biennium and \$52,700,000 less in the 2011-13
26 fiscal biennium than the aggregate total of project costs listed. It
27 is the intent of the legislature that the department shall deliver the
28 projects listed in LEAP Transportation Document 2009-1 within the time,
29 scope, and budgets identified in that document, provided that the
30 prices of commodities used in transportation projects do not differ
31 significantly from those assumed for the 2009-11 and 2011-13 fiscal
32 biennia in the March 2009 forecast of the economic and revenue forecast
33 council.~~

34 ~~((3) \$162,900,000))~~ \$163,385,000 of the transportation partnership
35 account--state appropriation and ~~(((\$106,000,000))~~ \$231,763,000 of the
36 state route number 520 corridor account--state appropriation are
37 provided solely for the state route number 520 bridge replacement and
38 HOV project. The department shall submit an application for the

1 eastside transit and HOV project to the supplemental discretionary
2 grant program for regionally significant projects as provided in the
3 American Recovery and Reinvestment Act of 2009. ~~((Eastside state route
4 number 520 improvements shall be designed and constructed to
5 accommodate a future full interchange at 124th Avenue Northeast.
6 Concurrent with the eastside transit and HOV project, the department
7 shall conduct engineering design of a full interchange at 124th Avenue
8 Northeast. The amount provided in this subsection from the state route
9 number 520 corridor account state appropriation is contingent on the
10 enactment of (a) Engrossed Substitute House Bill No. 2211 and (b)
11 either Engrossed Substitute House Bill No. 2326 or other legislation
12 authorizing bonds for the state route number 520 corridor projects. If
13 the conditions of this subsection are not satisfied, the state route
14 number 520 corridor account state appropriation shall lapse.~~

15 ~~(4))~~ (3) As required under section 305(6), chapter 518, Laws of
16 2007, the department shall report by January 2010 to the transportation
17 committees of the legislature on the findings of the King county noise
18 reduction solutions pilot project.

19 ~~((5))~~ (4) Funding allocated for mitigation costs is provided
20 solely for the purpose of project impact mitigation, and shall not be
21 used to develop or otherwise participate in the environmental
22 assessment process.

23 ~~((6))~~ (5) The department shall apply for surface transportation
24 program (STP) enhancement funds to be expended in lieu of or in
25 addition to state funds for eligible costs of projects in Programs I
26 and P including, but not limited to, the SR 518, SR 520, Columbia river
27 crossing, and Alaskan Way viaduct projects.

28 ~~((7))~~ (6) The department shall, on a quarterly basis beginning
29 July 1, 2009, provide to the office of financial management and the
30 legislature reports providing the status on each active project funded
31 in part or whole by the transportation 2003 account (nickel account) or
32 the transportation partnership account. Funding provided at a
33 programmatic level for transportation partnership account and
34 transportation 2003 account (nickel account) projects relating to
35 bridge rail, guard rail, fish passage barrier removal, and roadside
36 safety projects should be reported on a programmatic basis. Projects
37 within this programmatic level funding should be completed on a
38 priority basis and scoped to be completed within the current

1 programmatic budget. (~~The department shall work with the office of~~
2 ~~financial management and the transportation committees of the~~
3 ~~legislature to agree on report formatting and elements. Elements must~~
4 ~~include, but not be limited to, project scope, schedule, and costs.~~
5 ~~For)) Report formatting and elements must be consistent with the~~
6 ~~October 2009 quarterly project report. On a representative sample of~~
7 ~~new construction contracts valued at fifteen million dollars or more,~~
8 ~~the department must also use an earned value method of project~~
9 ~~monitoring. (~~The department shall also provide the information~~~~
10 ~~required under this subsection on a quarterly basis via the~~
11 ~~transportation executive information systems (TEIS).~~

12 ~~(+8))~~ (7) The transportation 2003 account (nickel account)--state
13 appropriation includes up to (~~(\$628,000,000)~~) \$653,630,000 in proceeds
14 from the sale of bonds authorized by RCW 47.10.861.

15 ~~((+9))~~ (8) The transportation partnership account--state
16 appropriation includes up to (~~(\$1,360,528,000)~~) \$1,347,939,000 in
17 proceeds from the sale of bonds authorized in RCW 47.10.873.

18 ~~((+10))~~ (9) The special category C account--state appropriation
19 includes up to (~~(\$22,127,000)~~) \$25,221,000 in proceeds from the sale of
20 bonds authorized in RCW 47.10.812.

21 ~~((+11))~~ (10) The motor vehicle account--state appropriation
22 includes up to (~~(\$31,500,000)~~) \$43,000,000 in proceeds from the sale of
23 bonds authorized in RCW 47.10.843.

24 (11) The state route number 520 corridor account--state
25 appropriation includes up to \$231,763,000 in proceeds from the sale of
26 bonds authorized in RCW 47.10.879.

27 (12) The department must prepare a tolling study for the Columbia
28 river crossing project. While conducting the study, the department
29 must coordinate with the Oregon department of transportation to perform
30 the following activities:

31 (a) Evaluate the potential diversion of traffic from Interstate 5
32 to other parts of the transportation system when tolls are implemented
33 on Interstate 5 in the vicinity of the Columbia river;

34 (b) Evaluate the most advanced tolling technology to maintain
35 travel time speed and reliability for users of the Interstate 5 bridge;

36 (c) Evaluate available active traffic management technology to
37 determine the most effective options for technology that could maintain
38 travel time speed and reliability on the Interstate 5 bridge;

1 (d) Confer with the project sponsor's council, as well as local and
2 regional governing bodies adjacent to the Interstate 5 Columbia river
3 crossing corridor and the Interstate 205 corridor regarding the
4 implementation of tolls, the impacts that the implementation of tolls
5 might have on the operation of the corridors, the diversion of traffic
6 to local streets, and potential mitigation measures;

7 (e) Regularly report to the Washington transportation commission
8 regarding the progress of the study for the purpose of guiding the
9 commission's potential toll setting on the facility;

10 (f) Research and evaluate options for a potential toll-setting
11 framework between the Oregon and Washington transportation commissions;

12 (g) Conduct public work sessions and open houses to provide
13 information to citizens, including users of the bridge and business and
14 freight interests, regarding implementation of tolls on the Interstate
15 5 and to solicit citizen views on the following items:

16 (i) Funding a portion of the Columbia river crossing project with
17 tolls;

18 (ii) Implementing variable tolling as a way to reduce congestion on
19 the facility; and

20 (iii) Tolling Interstate 205 separately as a management tool for
21 the broader state and regional transportation system; and

22 (h) Provide a report to the governor and the legislature by January
23 2010.

24 (13)(a) By January 2010, the department must prepare a traffic and
25 revenue study for Interstate 405 in King county and Snohomish county
26 that includes funding for improvements and high occupancy toll lanes,
27 as defined in RCW 47.56.401, for traffic management. The department
28 must develop a plan to operate up to two high occupancy toll lanes in
29 each direction on Interstate 405.

30 (b) For the facility listed in (a) of this subsection, the
31 department must:

32 (i) Confer with the mayors and city councils of jurisdictions in
33 the vicinity of the project regarding the implementation of high
34 occupancy toll lanes and the impacts that the implementation of these
35 high occupancy toll lanes might have on the operation of the corridor
36 and adjacent local streets;

37 (ii) Conduct public work sessions and open houses to provide

1 information to citizens regarding implementation of high occupancy toll
2 lanes and to solicit citizen views;

3 (iii) Regularly report to the Washington transportation commission
4 regarding the progress of the study for the purpose of guiding the
5 commission's toll setting on the facility; and

6 (iv) Provide a report to the governor and the legislature by
7 January 2010.

8 (14)((~~-\$9,199,985~~)) \$6,488,000 of the motor vehicle account--state
9 appropriation ((~~is~~)) and \$5,000 of the motor vehicle account--federal
10 appropriation are provided solely for project 100224I, ((~~as identified~~
11 ~~in the LEAP transportation document in subsection (1) of this~~
12 ~~section~~)) US 2 high priority safety project. Expenditure of these
13 funds is for safety projects on state route number 2 between Monroe and
14 Gold Bar, which may include median rumble strips, traffic cameras, and
15 electronic message signs.

16 (15) Expenditures for the state route number 99 Alaskan Way viaduct
17 replacement project must be made in conformance with Engrossed
18 Substitute Senate Bill No. 5768.

19 (16) The department shall conduct a public outreach process to
20 identify and respond to community concerns regarding the Belfair
21 bypass. The process must include representatives from Mason county,
22 the legislature, area businesses, and community members. The
23 department shall use this process to consider and develop design
24 alternatives that alter the project's scope so that the community's
25 needs are met within the project budget. The department shall provide
26 a report on the process and outcomes to the legislature by June 30,
27 2010.

28 (17) The legislature is committed to the timely completion of R8A
29 which supports the construction of sound transit's east link.
30 Following the completion of the independent analysis of the
31 methodologies to value the reversible lanes on Interstate 90 which may
32 be used for high capacity transit as directed in section 204 of this
33 act, the department shall complete the process of negotiations with
34 sound transit. Such agreement shall be completed no later than
35 December 1, 2009.

36 (18) \$250,000 of the motor vehicle account--state appropriation is
37 provided solely for the design and construction of a right turn lane to

1 improve visibility and traffic flow on state route number 195 and
2 Cheney-Spokane Road (project L1000001).

3 (19) (~~(\$846,700)~~) \$730,000 of the motor vehicle account--federal
4 appropriation and (~~(\$17,280)~~) \$16,000 of the motor vehicle account--
5 state appropriation are provided solely for the Westview school noise
6 wall (project WESTV).

7 (20) (~~(\$1,360)~~) \$2,000 of the motor vehicle account--state
8 appropriation and (~~(\$35,786)~~) \$131,000 of the motor vehicle account--
9 federal appropriation are provided solely for interchange design and
10 planning work on US 12 at A Street and Tank Farm Road (project PASCO).

11 (21) (~~(\$20,011,125)~~) \$21,566,000 of the transportation partnership
12 account--state appropriation, (~~(\$2,550)~~) \$26,000 of the motor vehicle
13 account--state appropriation, (~~(\$30,003,473)~~) \$30,000,000 of the motor
14 vehicle account--private/local appropriation, and (~~(\$1,482,066)~~)
15 \$4,334,000 of the motor vehicle account--federal appropriation are
16 provided solely for project 400506A, the I-5/Columbia river
17 crossing/Vancouver project. The funding described in this subsection
18 includes a (~~(\$30,003,473)~~) \$30,000,000 contribution from the state of
19 Oregon.

20 (22) It is important that the public and policymakers have accurate
21 and timely access to information related to the Alaskan Way viaduct
22 replacement project as it proceeds to, and during, the construction of
23 all aspects of the project including, but not limited to, information
24 regarding costs, schedules, contracts, project status, and neighborhood
25 impacts. Therefore, it is the intent of the legislature that the
26 state, city, and county departments of transportation establish a
27 single source of accountability for integration, coordination,
28 tracking, and information of all requisite components of the
29 replacement project, which must include, at a minimum:

30 (a) A master schedule of all subprojects included in the full
31 replacement project or program; and

32 (b) A single point of contact for the public, media, stakeholders,
33 and other interested parties.

34 (23) (~~(The — state — route — number — 520 — corridor — account — state~~
35 ~~appropriation includes up to \$106,000,000 in proceeds from the sale of~~
36 ~~bonds authorized in Engrossed Substitute House Bill No. 2326 or in~~
37 ~~legislation authorizing bonds for the state route number 520 corridor~~
38 ~~projects. If Engrossed Substitute House Bill No. 2326, or legislation~~

1 ~~authorizing bonds for the state route number 520 corridor projects, is~~
2 ~~not enacted by June 30, 2009, the amount provided in this subsection~~
3 ~~shall lapse.~~

4 ~~(+24+))~~ The department shall evaluate a potential deep bore culvert
5 for the state route number 305/Bjorgen creek fish barrier project
6 identified as project 330514A in LEAP Transportation Document ALL
7 PROJECTS 2009-2, as developed April 24, 2009. The department shall
8 evaluate whether a deep bore culvert will be a less costly alternative
9 than a traditional culvert since a traditional culvert would require
10 extensive road detours during construction.

11 ~~((+25+))~~ (24) Project number 330215A in the LEAP transportation
12 document described in subsection (1) of this section is expanded to
13 include safety and congestion improvements from the Key Peninsula
14 Highway to the vicinity of Purdy. The department shall consult with
15 the Washington traffic safety commission to ensure that this project
16 includes improvements at intersections and along the roadway to reduce
17 the frequency and severity of collisions related to roadway conditions
18 and traffic congestion.

19 ~~((+26+ - \$10,600,000))~~ (25) \$8,890,000 of the transportation
20 partnership account--state appropriation is provided solely for project
21 109040Q, the Interstate 90 Two Way Transit and HOV Improvements--Stage
22 2 and 3 project, as indicated in the LEAP transportation document
23 referenced in subsection (1) of this section. ~~((Funds shall be used~~
24 ~~solely for preliminary engineering on stages 2 and 3 of this project.~~

25 ~~(+27+))~~ (26) The department shall continue to work with the local
26 partners in developing transportation solutions necessary for the
27 economic growth in the Red Mountain American Viticulture Area of Benton
28 county.

29 ~~((+28+))~~ (27) For highway construction projects where the
30 department considers agricultural lands of long-term commercial
31 significance, as defined in RCW 36.70A.030, in reviewing and selecting
32 sites to meet environmental mitigation requirements under the national
33 environmental policy act (42 U.S.C. Sec. 4321 et seq.) and the state
34 environmental policy act (chapter 43.21C RCW), the department shall, to
35 the greatest extent possible, consider using public land first. If
36 public lands are not available that meet the required environmental
37 mitigation needs, the department may use other sites while making every

1 effort to avoid any net loss of agricultural lands that have a
2 designation of long-term commercial significance.

3 ~~((+29+))~~ (28) Within the motor vehicle account--state appropriation
4 and motor vehicle account--federal appropriation, the department may
5 transfer funds between programs I and P, except for funds that are
6 otherwise restricted in this act.

7 ~~((+30+))~~ (29) Within the amounts provided in this section, \$200,000
8 of the transportation partnership account--state appropriation is
9 provided solely for the department to prepare a comprehensive tolling
10 study of the state route number 167 corridor to determine the
11 feasibility of administering tolls within the corridor, identified as
12 project number 316718A in the LEAP transportation document described in
13 subsection (1) of this section. The department shall report to the
14 joint transportation committee by September 30, 2010. The department
15 shall regularly report to the Washington transportation commission
16 regarding the progress of the study for the purpose of guiding the
17 commission's potential toll setting on the facility. The elements of
18 the study must include, at a minimum:

19 (a) The potential for value pricing to generate revenues for needed
20 transportation facilities within the corridor;

21 (b) Maximizing the efficient operation of the corridor; and

22 (c) Economic considerations for future system investments.

23 ~~((+31+))~~ (30) Within the amounts provided in this section, \$200,000
24 of the transportation partnership account--state appropriation is
25 provided solely for the department to prepare a comprehensive tolling
26 study of the state route number 509 corridor to determine the
27 feasibility of administering tolls within the corridor, identified as
28 project number 850901F in the LEAP transportation document described in
29 subsection (1) of this section. The department shall report to the
30 joint transportation committee by September 30, 2010. The department
31 shall regularly report to the Washington transportation commission
32 regarding the progress of the study for the purpose of guiding the
33 commission's potential toll setting on the facility. The elements of
34 the study must include, at a minimum:

35 (a) The potential for value pricing to generate revenues for needed
36 transportation facilities within the corridor;

37 (b) Maximizing the efficient operation of the corridor; and

38 (c) Economic considerations for future system investments.

1 ~~((+32+))~~ (31) Within the amounts provided in this section,
2 \$28,000,000 of the transportation partnership account--state
3 appropriation is for project 600010A, as identified in the LEAP
4 transportation document in subsection (1) of this section: NSC-North
5 Spokane corridor design and right-of-way - new alignment. Expenditure
6 of these funds is for preliminary engineering and right-of-way
7 purchasing to prepare for four lanes to be built from where existing
8 construction ends at Francis Avenue for three miles to the Spokane
9 river. Additionally, any savings realized on project 600001A, as
10 identified in the LEAP transportation document in subsection (1) of
11 this section: US 395/NSC-Francis Avenue to Farwell Road - New
12 Alignment, must be applied to project 600010A.

13 ~~((+33+))~~ (32) \$400,000 of the motor vehicle account--state
14 appropriation is provided solely for the department to conduct a state
15 route number 2 route development plan (project L2000016) that will
16 identify essential improvements needed between the port of
17 Everett/Naval station and approaching the state route number 9
18 interchange near the city of Snohomish.

19 ~~((+34+))~~ (33) If the SR 26 - Intersection and Illumination
20 Improvements are not completed by June 30, 2009, the department shall
21 ensure that the improvements are completed as soon as practicable after
22 June 30, 2009, and shall submit monthly progress reports on the
23 improvements beginning July 1, 2009.

24 ~~((+35+))~~ (34) \$200,000 of the transportation partnership account--
25 state appropriation, identified on project number 400506A in the LEAP
26 transportation document described in subsection (1) of this section, is
27 provided solely for the department to work with the department of
28 archaeology and historic preservation to ensure that the cultural
29 resources investigation is properly conducted on the Columbia river
30 crossing project. This project must be conducted with active
31 archaeological management and result in one report that spans the
32 single cultural area in Oregon and Washington. Additionally, the
33 department shall establish a scientific peer review of independent
34 archaeologists that are knowledgeable about the region and its cultural
35 resources.

36 ~~((+36+))~~ (35) The department shall work with the department of
37 archaeology and historic preservation to ensure that the cultural
38 resources investigation is properly conducted on all mega-highway

1 projects and large ferry terminal projects. These projects must be
2 conducted with active archaeological management. Additionally, the
3 department shall establish a scientific peer review of independent
4 archaeologists that are knowledgeable about the region and its cultural
5 resources.

6 ~~((+37+))~~ (36) Within the amounts provided in this section,
7 \$1,500,000 of the motor vehicle account--state appropriation is
8 provided solely for necessary work along the south side of SR 532,
9 identified as project number 053255C in the LEAP transportation
10 document described in subsection (1) of this section.

11 ~~((+38+))~~ (37) \$10,000,000 of the transportation partnership
12 account--state appropriation is provided solely for the Spokane street
13 viaduct portion of project 809936Z, SR 99/Alaskan Way Viaduct -
14 Replacement project as indicated in the LEAP transportation document
15 referenced in subsection (1) of this section.

16 ~~((+39+))~~ (38) The department shall conduct a public outreach
17 process to identify and respond to community concerns regarding the
18 portion of John's Creek Road that connects state route number 3 and
19 state route number 101. The process must include representatives from
20 Mason county, the legislature, area businesses, and community members.
21 The department shall use this process to consider, develop, and design
22 a project scope so that the community's needs are met for the lowest
23 cost. The department shall provide a report on the process and
24 outcomes to the legislature by June 30, 2010.

25 ~~((+40+))~~ (39) The department shall apply for the competitive
26 portion of federal transit administration funds for eligible transit-
27 related costs of the state route number 520 bridge replacement and HOV
28 project and the Columbia river crossing project. The federal funds
29 described in this subsection must not include those federal transit
30 administration funds distributed by formula. The department shall
31 provide a report regarding this effort to the legislature by January 1,
32 2010.

33 (40) \$5,500,000 of the motor vehicle account--federal appropriation
34 is provided solely for the Alaskan Way Viaduct - Automatic Shutdown
35 project, identified as project L1000034.

36 (41) \$2,244,000 of the motor vehicle account--federal appropriation
37 and \$122,000 of the motor vehicle account--state appropriation are

1 provided solely for the US 12/Nine Mile Hill to Woodward Canyon Vic -
2 Build New Highway project, identified as project 501210T.

3 (42) \$790,000 of the motor vehicle account--federal appropriation
4 is provided solely for the Express Lanes System Concept Study project,
5 identified as project 800020A. As part of this project, the department
6 shall prepare a comprehensive tolling study of the Interstate 5 express
7 lanes to determine the feasibility of administering tolls within the
8 corridor. The department shall regularly report to the Washington
9 transportation commission regarding the progress of the study. The
10 elements of the study must include, at a minimum:

11 (i) The potential for value pricing to generate revenues for needed
12 transportation facilities;

13 (ii) Maximizing the efficient operation of the corridor;

14 (iii) Economic considerations for future system investments; and

15 (iv) An analysis of the impacts to the regional transportation
16 system.

17 (b) The department shall submit a final report on the study to the
18 joint transportation committee by June 30, 2011.

19 (43) Any redistributed federal funds received by the department
20 must, to the greatest extent possible, be first applied to offset
21 planned expenditures of state funds, and second to offset planned
22 expenditures of federal funds, on projects as identified in the LEAP
23 transportation documents described in this act. If the redistributed
24 federal funds cannot be used in this manner, the department must
25 consult with the joint transportation committee prior to obligating any
26 redistributed federal funds.

27 (44) \$226,000 of the motor vehicle account--federal appropriation
28 and \$9,000 of the motor vehicle account--state appropriation are
29 provided solely for the SR 16/Rosedale Street NW Vicinity - Frontage
30 Road project (301639C). These funds must not be expended before an
31 agreement stating that the city of Gig Harbor will take ownership of
32 the road has been signed. The frontage road must be built for driving
33 speeds of no more than thirty-five miles per hour.

34 (45) The department shall work with the Washington state
35 transportation commission, the Oregon state department of
36 transportation, and the Oregon state transportation commission to
37 analyze and review potential options for a bistate, toll setting
38 framework. As part of the analysis, the department shall undertake the

1 following actions: Review statutory provisions and the governance
2 structures of toll facilities in the United States that are located
3 within two or more states; review relevant federal law regarding
4 transportation facilities that are located within two or more states;
5 consult with the state treasurers in Washington and Oregon regarding
6 the appropriate structure for the issuance of debt for toll facilities
7 that are located within two states; report findings and recommendations
8 to the Columbia river project sponsor's council by October 1, 2010; and
9 provide a final report to the governor and the legislature by June 30,
10 2011.

11 (46) \$750,000 of the motor vehicle account--state appropriation is
12 provided solely for improvements from Allan Road to state route number
13 12 (501207Z).

14 (47) \$500,000 of the motor vehicle account--state appropriation is
15 provided solely for a traffic signal at the intersection of state route
16 number 7 and state route number 702 (300738A).

17 (48) \$750,000 of the motor vehicle account--state appropriation is
18 provided solely for environmental work on the Belfair Bypass (project
19 300344C).

20 (49) The legislature finds that state route number 522 corridor
21 provides an important link between Interstates 5 and 405 and will be
22 impacted by diversion from tolling elsewhere in the region. State
23 route number 522 must be reviewed as part of the scoping work conducted
24 under section 220(4) of this act. As such, the legislature intends to
25 provide additional funding for the corridor as a priority in the next
26 revenue package. The state will work with the affected cities and the
27 federal government to secure the necessary resources to address the
28 needs of this critical corridor.

29 (50) \$500,000 of the motor vehicle account--state appropriation is
30 provided solely for the US 12/SR 122/Mossyrock - Intersection project
31 (401212R) for safety improvements.

32 (51) \$200,000 of the motor vehicle account--federal appropriation
33 is provided solely for project US 97A/North of Wenatchee - Wildlife
34 Fence (209790B), and an offsetting reduction is anticipated in the
35 2011-13 biennium.

36 (52) If a planned roundabout in the vicinity of state route number
37 526 and 84th Street SW would divert commercial traffic onto
38 neighborhood streets, the department may not proceed with improvements

at state route number 526 and 84th Street SW until the traffic impacts in the vicinity of state route number 526 and 40th Avenue West are addressed.

(53) The department shall conduct a collision analysis corridor study on state route number 167 from milepost 0 to milepost 5 and report to the transportation committees of the legislature on the analysis results by December 1, 2010.

(54) \$2,600,000 of the motor vehicle account--federal appropriation is provided solely for the ITS Advanced Traveler Information System project in Whatcom county (100589B).

(55) \$900,000 of the motor vehicle account--federal appropriation is provided solely for the US 97/Cameron Lake Road intersection improvements project in Okanogan county (209700W).

(56) \$400,000 of the motor vehicle account--federal appropriation and \$100,000 of the motor vehicle account--state appropriation are provided solely for the SR 9/SR 204 Intersection Improvement project (L2000040).

(57) The legislature finds that the state route number 12 widening from state route number 124 to Walla Walla is an important east-west corridor in the southeast region of the state. Widening the highway to four lanes will increase safety and improve freight mobility. Therefore, the legislature intends for the department to use up to two million dollars in future redistributed federal obligation authority that may be received by the department for right-of-way purchase for the US 12/Nine Mile Hill to Woodward Canyon Vicinity - Phase 7-A project (501210T).

Sec. 304. 2009 c 470 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P

Transportation Partnership Account--State

Appropriation ((\$103,077,000))
\$75,305,000

Motor Vehicle Account--State Appropriation ((\$88,142,000))
\$96,884,000

Motor Vehicle Account--Federal Appropriation ((\$524,954,000))
\$556,705,000

Motor Vehicle Account--Private/Local Appropriation ((\$6,417,000))

1		<u>\$18,768,000</u>
2	Transportation 2003 Account (Nickel Account)--State	
3	Appropriation	((\$7,237,000))
4		<u>\$6,328,000</u>
5	Puyallup Tribal Settlement Account--State	
6	Appropriation	((\$6,500,000))
7		<u>\$6,636,000</u>
8	TOTAL APPROPRIATION	((\$736,327,000))
9		<u>\$760,626,000</u>

10 The appropriations in this section are subject to the following
11 conditions and limitations:

12 (1) Except as provided otherwise in this section, the entire
13 transportation 2003 account (nickel account) appropriation and the
14 entire transportation partnership account appropriation are provided
15 solely for the projects and activities as listed by fund, project, and
16 amount in LEAP Transportation Document ((~~2009-1~~)) 2010-1 as developed
17 ((~~April-24,-2009~~)) March 8, 2010, Program - Highway Preservation
18 Program (P). However, limited transfers of specific line-item project
19 appropriations may occur between projects for those amounts listed
20 subject to the conditions and limitations in section 603 of this act.

21 (2) ((~~\$544,639~~)) \$542,000 of the motor vehicle account--federal
22 appropriation and ((~~\$455,361~~)) \$453,000 of the motor vehicle account--
23 state appropriation are provided solely for project 602110F, ((~~as~~
24 ~~identified in the LEAP transportation document in subsection (1) of~~
25 ~~this section~~)). SR 21/Keller ferry boat - Preservation. Funds are
26 provided solely for preservation work on the existing vessel, the
27 Martha S.

28 (3) The department shall apply for surface transportation program
29 (STP) enhancement funds to be expended in lieu of or in addition to
30 state funds for eligible costs of projects in Programs I and P.

31 (4) ((~~\$6,500,000~~)) \$6,636,000 of the Puyallup tribal settlement
32 account--state appropriation is provided solely for ((~~mitigation~~))
33 costs associated with the Murray Morgan/11th Street bridge
34 ((~~demolition. The department may negotiate with the city of Tacoma for~~
35 ~~the purpose of transferring ownership of the Murray Morgan/11th Street~~
36 ~~bridge to the city. If the city agrees to accept ownership of the~~
37 ~~bridge, the department~~)) project. The city of Tacoma may use the
38 Puyallup tribal settlement account appropriation and other appropriated

1 funds for bridge rehabilitation, bridge replacement, bridge demolition,
2 and related mitigation. The department's participation, including
3 prior expenditures, may not exceed ((~~\$39,953,000~~)) \$40,270,000.
4 ((~~Funds may not be expended unless~~)) The city of Tacoma ((~~agrees to~~
5 ~~take~~)) has taken ownership of the bridge in its entirety, and
6 ((~~provides that~~)) the payment of these funds extinguishes any real or
7 implied agreements regarding future bridge expenditures.

8 (5) The department and the city of Tacoma must present to the
9 legislature an agreement on the timing of the transfer of ownership of
10 the Murray Morgan/11th Street bridge and any additional necessary state
11 funding required to achieve the transfer and rehabilitation of the
12 bridge by January 1, 2010.

13 (6) The department shall, on a quarterly basis beginning July 1,
14 2009, provide to the office of financial management and the legislature
15 reports providing the status on each active project funded in part or
16 whole by the transportation 2003 account (nickel account) or the
17 transportation partnership account. Funding provided at a programmatic
18 level for transportation partnership account projects relating to
19 seismic bridges should be reported on a programmatic basis. Projects
20 within this programmatic level funding should be completed on a
21 priority basis and scoped to be completed within the current
22 programmatic budget. The department shall work with the office of
23 financial management and the transportation committees of the
24 legislature to agree on report formatting and elements. Elements must
25 include, but not be limited to, project scope, schedule, and costs.
26 For new construction contracts valued at fifteen million dollars or
27 more, the department must also use an earned value method of project
28 monitoring. The department shall also provide the information required
29 under this subsection on a quarterly basis via the transportation
30 executive information systems (TEIS).

31 (7) The department of transportation shall continue to implement
32 the lowest life cycle cost planning approach to pavement management
33 throughout the state to encourage the most effective and efficient use
34 of pavement preservation funds. Emphasis should be placed on
35 increasing the number of roads addressed on time and reducing the
36 number of roads past due.

37 (8)(a) The department shall conduct an analysis of state highway

1 pavement replacement needs for the next ten years. The report must
2 include:

3 (i) The current backlog of asphalt and concrete pavement
4 preservation projects;

5 (ii) The level of investment needed to reduce or eliminate the
6 backlog and resume the lowest life-cycle cost;

7 (iii) Strategies for addressing the recent rapid escalation of
8 asphalt prices, including alternatives to using hot mix asphalt;

9 (iv) Criteria for determining which type of pavement will be used
10 for specific projects, including annualized cost per mile, traffic
11 volume per lane mile, and heavy truck traffic volume per lane mile; and

12 (v) The use of recycled asphalt and concrete in state highway
13 construction and the effect on highway pavement replacement needs.

14 (b) Additionally, the department shall work with the department of
15 ecology, the county road administration board, and the transportation
16 improvement board to explore and explain the potential use of permeable
17 asphalt and concrete pavement in state highway construction as an
18 alternative method of storm water mitigation and the potential effects
19 on highway pavement replacement needs.

20 (c) The department shall submit the report to the office of
21 financial management and the transportation committees of the
22 legislature by (~~December~~) September 1, 2010, in order to inform the
23 development of the 2011-13 omnibus transportation appropriations act.

24 (9) (~~(\$1,722)~~) \$299,000 of the motor vehicle account--state
25 appropriation, (~~(\$9,608,115)~~) \$23,425,000 of the motor vehicle
26 account--federal appropriation, and (~~(\$272,141)~~) \$373,000 of the
27 transportation partnership account--state appropriation are provided
28 solely for the SR 104/Hood Canal bridge - replace east half project,
29 identified as project 310407B in the LEAP transportation document
30 described in subsection (1) of this section.

31 (10) Within the motor vehicle account--state appropriation and
32 motor vehicle account--federal appropriation, the department may
33 transfer funds between programs I and P, except for funds that are
34 otherwise restricted in this act.

35 (11) Within the amounts provided in this section, \$1,510,000 of the
36 motor vehicle account--state appropriation is provided solely to
37 complete the rehabilitation of the SR 532/84th Avenue NW bridge deck.

(12) (~~(\$1,500,000)~~) \$1,440,000 of the motor vehicle account-- federal appropriation (~~(is)~~) and \$60,000 of the motor vehicle account-- state appropriation are provided solely for the environmental impact statement and preliminary planning for the replacement of the state route number 9 Snohomish river bridge (project L2000018).

(13) \$12,503,000 of the motor vehicle account--federal appropriation and \$497,000 of the motor vehicle account--state appropriation are provided solely for the SR 410/Nile Valley Landslide - Establish Interim Detour project (541002R).

(14) \$4,239,000 of the motor vehicle account--federal appropriation and \$662,000 of the motor vehicle account--state appropriation are provided solely for the SR 410/Nile Valley Landslide - Reconstruct Route project (541002T).

(15) Any redistributed federal funds received by the department must, to the greatest extent possible, be first applied to offset planned expenditures of state funds, and second, to offset planned expenditures of federal funds, on projects as identified in the LEAP transportation documents described in this act. If the redistributed federal funds cannot be used in this manner, the department must consult with the joint transportation committee prior to obligating any redistributed federal funds.

(16) The legislature anticipates a report in September 2010 that will outline the department's recommendation for developing a Keller Ferry replacement at the lowest cost. The legislature supports the request to the federal government for federal aid for a replacement vessel and intends to provide reasonable matching amounts as necessary.

(17) \$2,100,000 of the motor vehicle account--federal appropriation is provided solely for the SR 21/Kettle River to Malo paving project in Ferry county (602117A).

Sec. 305. 2009 c 470 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q-- CAPITAL

Motor Vehicle Account--State Appropriation	(\$6,394,000)
	<u>\$8,158,000</u>
Motor Vehicle Account--Federal Appropriation	(\$9,262,000)
	<u>\$18,037,000</u>

1	<u>Motor Vehicle Account--Private/Local Appropriation</u>	<u>\$173,000</u>
2	TOTAL APPROPRIATION	((\$15,656,000))
3		<u>\$26,368,000</u>
4	Sec. 306. 2009 c 470 s 309 (uncodified) is amended to read as	
5	follows:	
6	FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES	
7	CONSTRUCTION--PROGRAM W	
8	Puget Sound Capital Construction Account--State	
9	Appropriation	((\$118,752,000))
10		<u>\$126,824,000</u>
11	Puget Sound Capital Construction Account--Federal	
12	Appropriation	((\$38,306,000))
13		<u>\$60,364,000</u>
14	Puget Sound Capital Construction Account--Local	
15	Appropriation	((\$8,492,000))
16		<u>\$200,000</u>
17	Transportation 2003 Account (Nickel Account)--State	
18	Appropriation	\$51,734,000
19	Transportation Partnership Account--State	
20	Appropriation	((\$67,234,000))
21		<u>\$66,879,000</u>
22	Multimodal Transportation Account--State	
23	Appropriation	((\$170,000))
24		<u>\$149,000</u>
25	TOTAL APPROPRIATION	((\$284,688,000))
26		<u>\$306,150,000</u>

27 The appropriations in this section are subject to the following
28 conditions and limitations:

29 (1) ((~~\$118,752,000~~)) \$126,824,000 of the Puget Sound capital
30 construction account--state appropriation, ((~~\$38,306,000~~)) \$60,364,000
31 of the Puget Sound capital construction account--federal appropriation,
32 ((~~\$8,492,000~~)) \$200,000 of the Puget Sound capital construction
33 account--local appropriation, ((~~\$67,234,000~~)) \$66,879,000 of the
34 transportation partnership account--state appropriation, \$51,734,000 of
35 the transportation 2003 account (nickel account)--state appropriation,
36 and ((~~\$170,000~~)) \$149,000 of the multimodal transportation account--
37 state appropriation are provided solely for ferry capital projects,

1 project support, and administration as listed in LEAP Transportation
2 Document ALL PROJECTS ((2009-2)) 2010-2 as developed ((April 24, 2009))
3 March 8, 2010, Program - Ferries Construction Program (W). Of the
4 total appropriation, a maximum of \$10,627,000 may be used for
5 administrative support, a maximum of \$8,184,000 may be used for
6 terminal project support, and a maximum of \$4,497,000 may be used for
7 vessel project support. Of the total appropriation, \$5,851,000 is
8 provided solely for a reservation system and associated communications
9 projects.

10 (2) \$51,734,000 of the transportation 2003 account (nickel
11 account)--state appropriation ((and)) \$63,100,000 of the
12 transportation partnership account--state appropriation, and
13 \$10,164,000 of the Puget Sound capital construction account--state
14 appropriation are provided solely for the acquisition of three new
15 Island Home class ferry vessels subject to the conditions of RCW
16 47.56.780. The department shall pursue a contract for the second and
17 third Island Home class ferry vessels with an option to purchase a
18 fourth Island Home class ferry vessel. However, if sufficient
19 resources are available to build one 144-auto vessel prior to
20 exercising the option to build the fourth Island Home class ferry
21 vessel, procurement of the fourth Island Home class ferry vessel will
22 be postponed and the department shall pursue procurement of a 144-auto
23 vessel.

24 (a) The first two Island Home class ferry vessels must be placed on
25 the Port Townsend-Keystone route.

26 (b) The department may add additional passenger capacity to one of
27 the Island Home class ferry vessels to make it more flexible within the
28 system in the future, if doing so does not require additional staffing
29 on the vessel.

30 (c) Cost savings from the following initiatives will be included in
31 the funding of these vessels: The department's review and update of
32 the vessel life-cycle cost model as required under this section; and
33 the implementation of technology efficiencies as required under section
34 602 of this act.

35 (3) ~~(((\$2,450,000 of the Puget Sound capital construction account--~~
36 ~~state appropriation is provided solely for contingencies associated~~
37 ~~with closing out the existing contract for the technical design of the~~
38 ~~144-auto vessel and the storage and maintenance of vessel owner~~

~~furnished equipment already procured. The department shall use as much of the already procured equipment as is practicable on the Island Home class ferry vessel if it is likely to be obsolete before it is used in procured 144-auto vessels.))~~ (a) \$8,450,000 of the Puget Sound capital construction account--state appropriation and \$2,450,000 of the transportation partnership account--state appropriation are provided solely for the following projects related to the design of a 144-vehicle vessel class: (i) \$1,380,000 is provided solely for completion of the contract for owner-furnished equipment; (ii) \$8,320,000 is provided solely for completion of the technical design, detail design, and production drawings, all of which must plan for an aluminum superstructure; (iii) \$480,000 is provided solely for the storage of owner-furnished equipment; and (iv) a maximum of \$720,000 is for construction engineering. In completing the contract for owner-furnished equipment, the department shall use as much of the already procured equipment as is practicable on the Island Home class ferry vessels if it is likely to be obsolete before it is used in procured 144-vehicle vessels.

(b) The department shall conduct a cost-benefit study on alternative furnishings and fittings for the 144-vehicle vessel class. The study must review the proposed interior furnishings and fittings for the long-term maintenance and out-of-service vessel costs and, if appropriate, propose alternative interior furnishings and fittings that will decrease long-term maintenance and out-of-service vessel costs. The study must include a projection of out-of-service time and a life-cycle cost analysis of planned out-of-service time, including the impact on fleet size. The department must submit the study to the joint transportation committee by August 1, 2010.

(c) The department shall identify costs for any additional detail design and production drawings costs related to incorporating the aluminum superstructure and any changes in the proposed furnishings and fittings.

(4) \$6,300,000 of the Puget Sound capital construction account--state appropriation is provided solely for emergency capital costs.

(5) ~~((The Anacortes terminal may be replaced if additional federal funds are sought and received by the department. If federal funds received are not sufficient to replace the terminal, only usable, discrete phases of the project, up to the amount of federal funds~~

received, may be constructed with the funds.)) \$3,000,000 of the Puget Sound capital construction account--federal appropriation is provided solely for completing the Anacortes terminal design up to the maximum allowable construction cost phase. Beyond preparing environmental work, these funds may be spent only after the following conditions have been met: (a) A value engineering process is conducted on the existing design and the concept of a terminal building smaller than preferred alternative; (b) the office of financial management participates in the value engineering process; (c) the office of financial management concurs with the recommendations of the value engineering process; and (d) the office of financial management gives its approval to proceed with the design work.

(6) \$3,965,000 of the Puget Sound capital construction account--state appropriation is provided solely for the following vessel projects: Waste heat recovery pilot project for the Issaquah; jumbo Mark 1 class steering gear ventilation pilot project; and ~~((a new propulsion system for the MV Yakima))~~ improvements to the Yakima and Kaleetan propulsion controls to allow for two engine operation. Before beginning these projects, the Washington state ferries must ensure the vessels' out-of-service time does not negatively impact service to the system.

(7) The department shall pursue purchasing a foreign-flagged vessel for service on the Anacortes, Washington to Sidney, British Columbia ferry route.

(8) The department shall provide to the office of financial management and the legislature quarterly reports providing the status on each project listed in this section and in the project lists submitted pursuant to this act and on any additional projects for which the department has expended funds during the 2009-11 fiscal biennium. Elements must include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection via the transportation executive information systems (TEIS). The quarterly report regarding the status of projects identified on the list referenced in subsection (1) of this section must be developed according to an earned value method of project monitoring.

(9) The department shall review and adjust its capital program staffing levels to ensure staffing is at the most efficient level

1 necessary to implement the capital program in the omnibus
2 transportation appropriations act. The Washington state ferries shall
3 report this review and adjustment to the office of financial management
4 and the house and senate transportation committees of the legislature
5 by July 2009.

6 ~~(10) ((\$3,763,000 of the total appropriation is provided solely for~~
7 ~~the Washington state ferries to develop a reservation system. The~~
8 ~~department shall complete a predesign study and present the study to~~
9 ~~the joint transportation committee by November 1, 2009. This analysis~~
10 ~~must include an evaluation of the compatibility of the Washington state~~
11 ~~ferries' electronic fare system, proposed reservation system, and the~~
12 ~~implementation of smart card. The department may not implement a~~
13 ~~statewide reservation system until the department is authorized to do~~
14 ~~so in the 2010 supplemental omnibus transportation appropriations act.~~

15 ~~((11))~~ \$1,200,000 of the total appropriation is provided solely for
16 improving the toll booth configuration at the Port Townsend and
17 Keystone ferry terminals.

18 ~~((12) \$3,249,915))~~ (11) \$2,636,000 of the total appropriation is
19 provided solely for continued permitting ~~((and archaeological work in~~
20 ~~order to determine the feasibility of relocating))~~ work on the Mukilteo
21 ferry terminal. ~~((In order to ensure that the cultural resources~~
22 ~~investigation is properly conducted in a coordinated fashion, the~~
23 ~~department shall work with the department of archaeology and historic~~
24 ~~preservation and shall conduct work with active archaeological~~
25 ~~management.))~~ The department shall seek additional federal funding for
26 this project.

27 ~~((13))~~ (12) The department shall develop a proposed ferry vessel
28 maintenance, preservation, and improvement program and present it to
29 the transportation committees of the legislature by July 1, 2010. The
30 proposal must:

31 (a) Improve the basis for budgeting vessel maintenance,
32 preservation, and improvement costs and for projecting those costs into
33 a sixteen-year financial plan;

34 (b) Limit the amount of planned out-of-service time to the greatest
35 extent possible, including options associated with department staff as
36 well as commercial shipyards. At a minimum, the department shall
37 consider the following:

1 (i) The costs compared to benefits of Eagle Harbor repair and
2 maintenance facility operations options to include staffing costs and
3 benefits in terms of reduced out-of-service time;

4 (ii) The maintenance requirements for on-vessel staff, including
5 the benefits of a systemwide standard;

6 (iii) The costs compared to benefits of staff performing
7 preservation or maintenance work, or both, while the vessel is
8 underway, tied up between sailings, or not deployed;

9 (iv) A review of the department's vessel maintenance, preservation,
10 and improvement program contracting process and contractual
11 requirements;

12 (v) The costs compared to benefits of allowing for increased costs
13 associated with expedited delivery;

14 (vi) A method for comparing the anticipated out-of-service time of
15 proposed projects and other projects planned during the same
16 construction period;

17 (vii) Coordination with required United States coast guard dry
18 dockings;

19 (viii) A method for comparing how proposed projects relate to the
20 service requirements of the route on which the vessel normally
21 operates; and

22 (ix) A method for evaluating the ongoing maintenance and
23 preservation costs associated with proposed improvement projects; and

24 (c) Be based on the service plan in the capital plan, recognizing
25 that vessel preservation and improvement needs may vary by route.

26 ((+14+)) (13) \$247,000 of the Puget Sound capital construction
27 account--state appropriation is provided solely for the Washington
28 state ferries to review and update its vessel life-cycle cost model and
29 report the results to the house of representatives and senate
30 transportation committees of the legislature by ((December 1, 2009))
31 March 15, 2010. This review will evaluate the impact of the planned
32 out-of-service periods scheduled for each vessel on the ability of the
33 overall system to deliver uninterrupted service and will assess the
34 risk of service disruption from unscheduled maintenance or longer than
35 planned maintenance periods.

36 ((+15+)) (14) The department shall work with the department of
37 archaeology and historic preservation to ensure that the cultural
38 resources investigation is properly conducted on all large ferry

terminal projects. These projects must be conducted with active archaeological management. Additionally, the department shall establish a scientific peer review of independent archaeologists that are knowledgeable about the region and its cultural resources.

~~((+16+))~~ (15) The Puget Sound capital construction account--state appropriation includes up to ~~(((\$118,000,000))~~ \$114,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.843.

(16) The Puget Sound capital construction account--state appropriation reflects the reduction of three terminal positions due to decreased terminal activity and funding.

Sec. 307. 2009 c 470 s 310 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL

Essential Rail Assistance Account--State

Appropriation	(((\$675,000))
	<u>\$333,000</u>

Transportation Infrastructure Account--State

Appropriation	(((\$13,100,000))
	<u>\$13,184,000</u>

Multimodal Transportation Account--State

Appropriation	(((\$68,530,000))
	<u>\$102,202,000</u>

Multimodal Transportation Account--Federal

Appropriation	(((\$16,054,000))
	<u>\$619,527,000</u>

Multimodal Transportation Account--Private/Local

Appropriation	\$81,000
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TOTAL APPROPRIATION	(((\$98,440,000))
	<u>\$735,327,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by ~~((fund 7))~~ project ~~((7))~~ and amount in LEAP Transportation Document ALL PROJECTS ~~((2009-2))~~ 2010-2 as developed ~~((April 24, 2009))~~ March 8, 2010, Program - Rail Capital Program (Y).

1 (~~((However, — limited — transfers — of — specific — line-item — project~~
2 ~~appropriations may occur between projects for those amounts listed~~
3 ~~subject to the conditions and limitations in section 603 of this act.))~~)

4 (b)(i) Within the amounts provided in this section, \$116,000 of the
5 transportation infrastructure account--state appropriation is for a
6 low-interest loan through the freight rail investment bank program to
7 the Port of Ephrata (BIN 722710A) for rehabilitation of a rail spur.

8 (ii) Within the amounts provided in this section, \$1,200,000 of the
9 transportation infrastructure account--state appropriation is for a
10 low-interest loan through the freight rail investment bank program to
11 the Port of Everett (BIN 722810A) for a new rail track to connect a
12 cement loading facility to the mainline.

13 (~~(iii) ((Within the amounts provided in this section, \$3,684,000 of~~
14 ~~the transportation infrastructure account--state appropriation is for~~
15 ~~a low-interest loan through the freight rail investment bank program to~~
16 ~~the Port of Quincy for construction of a rail loop.~~

17 ~~(iv))~~) The department shall issue the loans referenced in this
18 subsection (1)(b) with a repayment period of no more than ten years,
19 and only so much interest as is necessary to recoup the department's
20 costs to administer the loans.

21 (c)(i) Within the amounts provided in this section, ((~~\$1,712,022~~))
22 \$1,713,000 of the multimodal transportation account--state
23 appropriation and ((~~\$175,000~~)) \$333,000 of the essential rail
24 assistance account--state appropriation are for statewide - emergent
25 freight rail assistance projects as follows: Port of Ephrata/Ephrata -
26 additional spur rehabilitation (BIN 722710A) ((~~\$362,746~~)) \$363,000;
27 Tacoma Rail/Tacoma - new refinery spur tracks (BIN 711010A) \$420,000;
28 CW Line/Lincoln County - grade crossing rehabilitation (BIN 700610A)
29 ((~~\$370,650~~)) \$371,000; ((~~Clark County~~)) Chelatchie Prairie owned
30 railroad/Vancouver - track rehabilitation (BIN 710110A) ((~~\$366,813~~))
31 \$367,000; Tacoma Rail/Tacoma - improved locomotive facility (BIN
32 711010B) ((~~\$366,813~~)) \$525,000.

33 (~~(ii) ((Within the amounts provided in this section, \$500,000 of the~~
34 ~~essential rail assistance account--state appropriation and \$25,000 of~~
35 ~~the multimodal transportation account--state appropriation are for a~~
36 ~~statewide--emergent freight rail assistance project grant for the~~
37 ~~Tacoma Rail/Roy---new connection to BNSF and Yelm (BIN 711310A)~~
38 ~~project, provided that the grantee first executes a written instrument~~

1 ~~that imposes on the grantee the obligation to repay the grant within~~
2 ~~thirty days in the event that the grantee discontinues or significantly~~
3 ~~diminishes service along the line within a period of five years from~~
4 ~~the date that the grant is awarded.~~

5 (iii)) Within the amounts provided in this section, ((\$337,978))
6 \$338,000 of the multimodal transportation account--state appropriation
7 is for a statewide - emergent freight rail assistance project grant for
8 the Lincoln County PDA/Creston - new rail spur (BIN 710510A) project,
9 provided that the grantee first documents to the satisfaction of the
10 department sufficient commitments from the new shipper or shippers to
11 locate in the publicly owned industrial park west of Creston to ensure
12 that the net present value of the public benefits of the project is
13 greater than the grant amount.

14 (d) Within the amounts provided in this section, ((\$8,100,000))
15 \$8,115,000 of the transportation infrastructure account--state
16 appropriation is for grants to any intergovernmental entity or local
17 rail district to which the department of transportation assigns the
18 management and oversight responsibility for the business and economic
19 development elements of existing operating leases on the Palouse River
20 and Coulee City (PCC) rail lines. \$300,000 of the transportation
21 infrastructure account--state appropriation is provided solely for the
22 fence line replacement project on the CW line. The PCC rail line
23 system is made up of the CW, P&L, and PV Hooper rail lines. Business
24 and economic development elements include such items as levels of
25 service and business operating plans, but must not include the state's
26 oversight of railroad regulatory compliance, rail infrastructure
27 condition, or real property management issues. The PCC rail system
28 must be managed in a self-sustaining manner and best efforts must be
29 used to ensure that it does not require state capital or operating
30 subsidy beyond the level of state funding expended on it to date. The
31 assignment of the stated responsibilities to an intergovernmental
32 entity or rail district must be on terms and conditions as the
33 department of transportation and the intergovernmental entity or rail
34 district mutually agree. The grant funds may be used only to refurbish
35 the rail lines. It is the intent of the legislature to make the funds
36 appropriated in this section available as grants to an
37 intergovernmental entity or local rail district for the purposes stated

1 in this section at least until June 30, 2012, and to reappropriate as
2 necessary any portion of the appropriation in this section that is not
3 used by June 30, 2011.

4 (2)(a) The department shall issue a call for projects for the
5 freight rail investment bank program and the emergent freight rail
6 assistance program, and shall evaluate the applications according to
7 the cost benefit methodology developed during the 2008 interim using
8 the legislative priorities specified in (c) of this subsection. By
9 November 1, 2010, the department shall submit a prioritized list of
10 recommended projects to the office of financial management and the
11 transportation committees of the legislature.

12 (b) When the department identifies a prospective rail project that
13 may have strategic significance for the state, or at the request of a
14 proponent of a prospective rail project or a member of the legislature,
15 the department shall evaluate the prospective project according to the
16 cost benefit methodology developed during the 2008 interim using the
17 legislative priorities specified in (c) of this subsection. The
18 department shall report its cost benefit evaluation of the prospective
19 rail project, as well as the department's best estimate of an
20 appropriate construction schedule and total project costs, to the
21 office of financial management and the transportation committees of the
22 legislature.

23 (c) The legislative priorities to be used in the cost benefit
24 methodology are, in order of relative importance:

25 (i) Economic, safety, or environmental advantages of freight
26 movement by rail compared to alternative modes;

27 (ii) Self-sustaining economic development that creates family-wage
28 jobs;

29 (iii) Preservation of transportation corridors that would otherwise
30 be lost;

31 (iv) Increased access to efficient and cost-effective transport to
32 market for Washington's agricultural and industrial products;

33 (v) Better integration and cooperation within the regional,
34 national, and international systems of freight distribution; and

35 (vi) Mitigation of impacts of increased rail traffic on
36 communities.

37 (3) The department is directed to seek the use of unprogrammed

1 federal rail crossing funds to be expended in lieu of or in addition to
2 state funds for eligible costs of projects in program Y.

3 (4) At the earliest possible date, the department shall apply, and
4 assist ports and local jurisdictions in applying, for any federal
5 funding that may be available for any projects that may qualify for
6 such federal funding. State projects must be (a) currently identified
7 on the project list referenced in subsection (1)(a) of this section or
8 (b) projects for which no state match is required to complete the
9 project. Local or port projects must not require additional state
10 funding in order to complete the project, with the exception of (c)
11 state funds currently appropriated for such project if currently
12 identified on the project list referenced in subsection (1)(a) of this
13 section or (d) potential grants awarded in the competitive grant
14 process for the essential rail assistance program. If the department
15 receives any federal funding, the department is authorized to obligate
16 and spend the federal funds in accordance with federal law. To the
17 extent permissible by federal law, federal funds may be used (e) in
18 addition to state funds appropriated for projects currently identified
19 on the project list referenced in subsection (1)(a) of this section in
20 order to advance funding from future biennia for such project(s) or (f)
21 in lieu of state funds; however, the state funds must be redirected
22 within the rail capital program to advance funding for other projects
23 currently identified on the project list referenced in subsection
24 (1)(a) of this section. State funds may be redirected only upon
25 consultation with the transportation committees of the legislature and
26 the office of financial management, and approval by the director of the
27 office of financial management. The department shall spend the federal
28 funds before the state funds, and shall consult the office of financial
29 management and the transportation committees of the legislature
30 regarding project scope changes.

31 (5) The department shall provide quarterly reports to the office of
32 financial management and the transportation committees of the
33 legislature regarding applications that the department submits for
34 federal funds((7)) and the status of such applications((7-and-the
35 ~~status of projects identified on the list referenced in subsection~~
36 ~~(1)(a) of this section. The quarterly report regarding the status of~~
37 ~~projects identified on the list referenced in subsection (1)(a) of this~~

1 ~~section must be developed according to an earned value method of~~
2 ~~project monitoring)).~~

3 (6) The department shall, on a quarterly basis, provide to the
4 office of financial management and the legislature reports providing
5 the status on active projects identified in the LEAP transportation
6 document described in subsection (1)(a) of this section. Report
7 formatting and elements must be consistent with the October 2009
8 quarterly project report.

9 (7) The multimodal transportation account--state appropriation
10 includes up to ((\$20,000,000)) \$48,000,000 in proceeds from the sale of
11 bonds authorized in RCW 47.10.867.

12 ~~((+7))~~ (8) When the balance of that portion of the miscellaneous
13 program account apportioned to the department for the grain train
14 program reaches \$1,180,000, the department shall acquire twenty-nine
15 additional grain train railcars.

16 (9) \$590,000,000 of the multimodal transportation account--federal
17 appropriation is provided solely for high-speed rail projects awarded
18 to Washington state from the high-speed intercity passenger rail
19 program under the American recovery and reinvestment act. Funding will
20 allow for two additional round trips between Seattle and Portland, and
21 other rail improvements.

22 (10) \$2,200,000 of the multimodal transportation account--state
23 appropriation is provided solely for expenditures related to the
24 capital high-speed passenger rail grant that are not federally
25 reimbursable.

26 (11) The Burlington Northern Santa Fe Skagit river bridge is an
27 integral part of the rail system. Constructed in 1916, the bridge does
28 not meet current design standards and is at risk during flood events
29 that occur on the Skagit river. The department shall work with
30 Burlington Northern Santa Fe and local jurisdictions to secure federal
31 funding for the Skagit river bridge and to develop an appropriate
32 replacement plan and schedule.

33 (12) \$1,000,000 of the multimodal transportation account--state
34 appropriation is provided solely for additional expenditures along the
35 Chelatchie Prairie railroad (LN2000025).

36 **Sec. 308.** 2009 c 470 s 311 (uncodified) is amended to read as
37 follows:

FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--
CAPITAL

Highway Infrastructure Account--State Appropriation	\$207,000
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Highway Infrastructure Account--Federal

Appropriation	\$1,602,000
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Freight Mobility Investment Account--State

Appropriation ((~~\$13,548,000~~))

\$13,848,000

Transportation Partnership Account--State

Appropriation \$8,863,000

Motor Vehicle Account--State Appropriation (~~(\$12,954,000)~~)

\$14,068,000

Motor Vehicle Account--Federal Appropriation (~~(\$39,572,000)~~)

\$43,835,000

Freight Mobility Multimodal Account--State

Appropriation ((~~\$14,920,000~~))

\$15,620,000

Freight Mobility Multimodal Account--Local

Appropriation (~~\$3,135,000~~)

\$3,258,000

Multimodal Transportation Account--Federal

Appropriation ((\$2,098,000))

\$2,118,000

Multimodal Transportation Account--State

Appropriation ((\$28,262,000))

\$28,855,000

Transportation 2003 Account (Nickel Account)--State

Appropriation ((~~\$709,000~~))

\$2,709,000

Passenger Ferry Account--State Appropriation	\$2,879,000
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Puyallup Tribal Settlement Account--State

Appropriation	\$5,895,000
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TOTAL APPROPRIATION ((\$128,749,000))

\$143,757,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall, on a quarterly basis, provide status reports to the legislature on the delivery of projects as outlined in

1 the project lists incorporated in this section. For projects funded by
2 new revenue in the 2003 and 2005 transportation packages, reporting
3 elements shall include, but not be limited to, project scope, schedule,
4 and costs. Other projects may be reported on a programmatic basis.
5 The department shall also provide the information required under this
6 subsection on a quarterly basis via the transportation executive
7 information system (TEIS).

8 (2) \$2,729,000 of the passenger ferry account--state appropriation
9 is provided solely for near and long-term costs of capital improvements
10 in a business plan approved by the governor for passenger ferry
11 service.

12 (3) \$150,000 of the passenger ferry account--state appropriation is
13 provided solely for the Port of Kingston for a one-time operating
14 subsidy needed to retain a federal grant.

15 (4) \$3,000,000 of the motor vehicle account--federal appropriation
16 is provided solely for the Coal Creek parkway project (L1000025).

17 (5) The department shall seek the use of unprogrammed federal rail
18 crossing funds to be expended in lieu of or in addition to state funds
19 for eligible costs of projects in local programs, program Z capital.

20 (6) The department shall apply for surface transportation program
21 (STP) enhancement funds to be expended in lieu of or in addition to
22 state funds for eligible costs of projects in local programs, program
23 Z capital.

24 (7) Federal funds may be transferred from program Z to programs I
25 and P and state funds shall be transferred from programs I and P to
26 program Z to replace those federal funds in a dollar-for-dollar match.
27 Fund transfers authorized under this subsection shall not affect
28 project prioritization status. Appropriations shall initially be
29 allotted as appropriated in this act. The department may not transfer
30 funds as authorized under this subsection without approval of the
31 office of financial management. The department shall submit a report
32 on those projects receiving fund transfers to the office of financial
33 management and the transportation committees of the legislature by
34 December 1, 2009, and December 1, 2010.

35 (8) The city of Winthrop may utilize a design-build process for the
36 Winthrop bike path project. Of the amount appropriated in this section
37 for this project, \$500,000 of the multimodal transportation account--

1 state appropriation is contingent upon the state receiving from the
2 city of Winthrop \$500,000 in federal funds awarded to the city of
3 Winthrop by its local planning organization.

4 (9) (~~(\$18,182,113))~~ \$18,289,000 of the multimodal transportation
5 account--state appropriation, (~~(\$8,753,895))~~ \$8,810,000 of the motor
6 vehicle account--federal appropriation, and \$4,000,000 of the
7 transportation partnership account--state appropriation are provided
8 solely for the pedestrian and bicycle safety program projects and safe
9 routes to schools program projects identified in LEAP Transportation
10 Document 2009-A, pedestrian and bicycle safety program projects and
11 safe routes to schools program projects, as developed March 30, 2009,
12 LEAP Transportation Document 2007-A, pedestrian and bicycle safety
13 program projects and safe routes to schools program projects, as
14 developed April 20, 2007, and LEAP Transportation Document 2006-B,
15 pedestrian and bicycle safety program projects and safe routes to
16 schools program projects, as developed March 8, 2006. Projects must be
17 allocated funding based on order of priority. The department shall
18 review all projects receiving grant awards under this program at least
19 semiannually to determine whether the projects are making satisfactory
20 progress. Any project that has been awarded funds, but does not report
21 activity on the project within one year of the grant award must be
22 reviewed by the department to determine whether the grant should be
23 terminated. The department shall promptly close out grants when
24 projects have been completed, and identify where unused grant funds
25 remain because actual project costs were lower than estimated in the
26 grant award.

27 (10) Except as provided otherwise in this section, the entire
28 appropriations in this section are provided solely for the projects and
29 activities as listed by (~~(fund 7))~~ project(~~(7))~~ and amount in LEAP
30 Transportation Document ALL PROJECTS (~~(2009-2))~~ 2010-2 as developed
31 (~~(April 24, 2009))~~ March 8, 2010, Program(~~(S))~~ - Local Program (Z).

32 (11) For the 2009-11 project appropriations, unless otherwise
33 provided in this act, the director of financial management may
34 authorize a transfer of appropriation authority between projects
35 managed by the freight mobility strategic investment board in order for
36 the board to manage project spending and efficiently deliver all
37 projects in the respective program.

1 (12) \$913,386 of the motor vehicle account--state appropriation and
2 ((~~\$2,858,216~~)) \$2,858,000 of the motor vehicle account--federal
3 appropriation are provided solely for completion of the US 101
4 northeast peninsula safety rest area and associated roadway
5 improvements east of Port Angeles at the Deer Park scenic view point.
6 The department must surplus any right-of-way previously purchased for
7 this project near Sequim. Approval to proceed with construction is
8 contingent on surplus of previously purchased right-of-way. \$865,000
9 of the motor vehicle account--state appropriation is to be placed into
10 unallotted status until such time as the right-of-way sale is
11 completed.

12 (13) \$5,894,000 of the Puyallup tribal settlement account--state
13 appropriation is provided solely for costs associated with the Murray
14 Morgan/11th Street bridge project. The city of Tacoma may use the
15 Puyallup tribal settlement account appropriation and other appropriated
16 funds for bridge rehabilitation, bridge replacement, bridge demolition,
17 and bridge mitigation. The department's participation, including prior
18 expenditures, may not exceed \$40,270,000. The city of Tacoma has taken
19 ownership of the bridge in its entirety, and the payment of these funds
20 extinguishes any real or implied agreements regarding future bridge
21 expenditures.

22 (14) Up to \$3,702,000 of the motor vehicle account--federal
23 appropriation and \$75,000 of the motor vehicle account--state
24 appropriation are provided solely to reimburse the cities of Kirkland
25 and Redmond for pavement and bridge deck rehabilitation on state route
26 number 908 (project 1LP611A). These funds may not be expended unless
27 the cities sign an agreement stating that the cities agree to take
28 ownership of state route number 908 in its entirety and agree that the
29 payment of these funds represents the entire state commitment to the
30 cities for state route number 908 expenditures. The amount provided in
31 this subsection is contingent on the enactment by June 30, 2010, of
32 Senate Bill No. 6555.

33 (15) The department shall consider the condition of the Broadway
34 bridge in the city of Everett when prioritizing bridge projects.

35 (16) In order to make the Hood Canal bridge safe for cyclists, the
36 department must work with stakeholders to review bicycle safety needs
37 on the bridge, including consideration of accident data and
38 improvements already made to this project.

(17) \$250,000 of the multimodal transportation account--state appropriation is provided solely for the Shell Valley emergency access road and bicycle/pedestrian path.

(18) \$500,000 of the motor vehicle account--state appropriation is provided solely for improvements to the 150th and Murray Road intersection in the city of Lakewood.

(19) \$250,000 of the motor vehicle account--state appropriation is provided solely for flood reduction solutions on state route number 522 caused by the lower McAleer and Lyon creek basins.

(20) \$200,000 of the motor vehicle account--state appropriation is provided solely for improvements to the intersection of 39th Ave SE and state route number 96 in Snohomish county.

TRANSFERS AND DISTRIBUTIONS

Sec. 401. 2009 c 470 s 401 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE

Highway Bond Retirement Account Appropriation ((\$742,400,000))
\$733,667,000

Ferry Bond Retirement Account Appropriation \$33,771,000

State Route Number 520 Corridor Account--State
Appropriation \$600,000

Transportation Improvement Board Bond Retirement
Account--State Appropriation ((\$22,541,000))
\$22,962,000

Nondebt-Limit Reimbursable Account Appropriation ((\$18,400,000))
\$18,451,000

Transportation Partnership Account--State
Appropriation ((\$8,318,000))
\$4,722,000

Motor Vehicle Account--State Appropriation ((\$901,000))
\$732,000

Transportation 2003 Account (Nickel Account)--State

1	Appropriation	((\$4,116,000))
2		<u>\$2,182,000</u>
3	Special Category C Account--State Appropriation	((\$148,000))
4		<u>\$94,000</u>
5	Urban Arterial Trust Account--State Appropriation	\$85,000
6	Transportation Improvement Account--State Appropriation	\$41,000
7	Multimodal Transportation Account--State	
8	Appropriation	((\$283,000))
9		<u>\$204,000</u>
10	TOTAL APPROPRIATION	((\$831,004,000))
11		<u>\$817,511,000</u>

12 **Sec. 402.** 2009 c 470 s 402 (uncodified) is amended to read as
13 follows:

14 **FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING**
15 **BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND**
16 **FISCAL AGENT CHARGES**

17	<u>State Route Number 520 Corridor Account--State</u>	
18	<u>Appropriation</u>	<u>\$40,000</u>
19	Transportation Partnership Account--State	
20	Appropriation	((\$523,000))
21		<u>\$787,000</u>
22	Motor Vehicle Account--State Appropriation	((\$57,000))
23		<u>\$122,000</u>
24	Transportation 2003 Account (Nickel Account)--State	
25	Appropriation	((\$259,000))
26		<u>\$364,000</u>
27	Special Category C Account--State Appropriation	((\$10,000))
28		<u>\$15,000</u>
29	Urban Arterial Trust Account--State Appropriation	\$5,000
30	Transportation Improvement Account--State Appropriation	\$3,000
31	Multimodal Transportation Account--State	
32	Appropriation	((\$18,000))
33		<u>\$34,000</u>
34	TOTAL APPROPRIATION	((\$875,000))
35		<u>\$1,370,000</u>

1 **Sec. 407.** 2009 c 470 s 407 (uncodified) is amended to read as
2 follows:

3 **FOR THE STATE TREASURER--ADMINISTRATIVE TRANSFERS**

4 (1) Tacoma Narrows Toll Bridge Account--State
5 Appropriation: For transfer to the Motor Vehicle
6 Account--State \$5,288,000

7 (2) Motor Vehicle Account--State Appropriation:
8 For transfer to the Puget Sound Ferry Operations
9 Account--State ((~~\$17,000,000~~))
10 \$54,000,000

11 (3) Recreational Vehicle Account--State
12 Appropriation: For transfer to the Motor Vehicle
13 Account--State \$2,000,000

14 (4) License Plate Technology Account--State
15 Appropriation: For transfer to the Highway Safety
16 Account--State \$2,750,000

17 (5) Multimodal Transportation Account--State
18 Appropriation: For transfer to the Puget Sound
19 Ferry Operations Account--State \$9,000,000

20 (6) Highway Safety Account--State Appropriation:
21 For transfer to the Multimodal Transportation
22 Account--State \$18,750,000

23 (7) Department of Licensing Services Account--State
24 Appropriation: For transfer to the Motor Vehicle
25 Account--State ((~~\$2,000,000~~))
26 \$1,300,000

27 (8) Advanced Right-of-Way Account: For transfer
28 to the Motor Vehicle Account--State \$14,000,000

29 ~~(9) ((Motor Vehicle Account--State Appropriation:~~
30 ~~For transfer to the Transportation Partnership~~
31 ~~Account--State \$8,000,000))~~

32 (10) State Route Number 520 Civil Penalties
33 Account--State Appropriation: For transfer to the
34 State Route Number 520 Corridor Account--State \$190,000

35 (11) Advanced Environmental Mitigation Revolving
36 Account--State Appropriation: For transfer to the
37 Motor Vehicle Account--State \$5,000,000

38 (12) Regional Mobility Grant Program Account--State

Appropriation: For transfer to the Multimodal
Transportation Account--State \$4,000,000

(13) Motor Vehicle Account--State Appropriation:
For transfer to the State Patrol Highway Account--State . . . \$4,000,000

(14) The transfers identified in this section are subject to the
following conditions and limitations:

(a) The amount transferred in subsection (1) of this section
represents repayment of operating loans and reserve payments provided
to the Tacoma Narrows toll bridge account from the motor vehicle
account in the 2005-07 fiscal biennium. However, if Engrossed
Substitute Senate Bill No. 6499 is enacted by June 30, 2010, the
transfer in subsection (1) of this section shall not occur.

(b) Any cash balance in the waste tire removal account in excess of
one million dollars must be transferred to the motor vehicle account
for the purpose of road wear-related maintenance on state and local
public highways.

(c) The transfer in subsection (10) of this section represents toll
revenue collected from toll violations.

COMPENSATION

Sec. 501. 2009 c 470 s 501 (uncodified) is amended to read as
follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT-- REVISED PENSION CONTRIBUTION
RATES**

~~((Aeronautics Account--State (\$40,000)~~
~~Grade Crossing Protective Account--State (\$2,000)~~
~~State Patrol Highway Account--State (\$5,593,000)~~
~~Motorcycle Safety Education Account--State (\$18,000)~~
~~High Occupancy Toll Lanes Operations Account--State (\$20,000)~~
~~Rural Arterial Trust Account--State (\$20,000)~~
~~Wildlife Account--State (\$16,000)~~
~~Highway Safety Account--State (\$1,869,000)~~
~~Highway Safety Account--Federal (\$56,000)~~
~~Motor Vehicle Account--State (\$11,348,000)~~
~~Puget Sound Ferry Operations Account--State (\$5,019,000)~~
~~Urban Arterial Trust Account--State (\$26,000)~~

~~Transportation Improvement Account--State (\$26,000)~~
~~County Arterial Preservation Account--State (\$22,000)~~
~~Department of Licensing Services Account--State (\$36,000)~~
~~Multimodal Transportation Account--State (\$220,000)~~
~~Tacoma Narrows Toll Bridge Account--State (\$28,000)~~
~~Puget Sound Capital Construction Account--State (\$459,000)~~
~~Motor Vehicle Account--Federal (\$8,791,000)~~

~~Appropriations are adjusted to reflect changes to appropriations to~~
~~reflect savings resulting from pension funding. The office of~~
~~financial management shall update agency appropriations schedules to~~
~~reflect the changes to funding levels in this section as identified by~~
~~agency and fund in LEAP transportation document Z9R-2009. From the~~
~~applicable accounts, the office of financial management shall adjust~~
~~allotments to the respective agencies by an amount that conforms with~~
~~funding adjustments enacted in the 2009-11 omnibus operating~~
~~appropriations act. Any allotment reductions under this section shall~~
~~be placed in reserve status and remain unexpended.))~~ Appropriations in
this act include agency appropriations to reflect increased employer
contribution rates in the public employees' retirement system as a
result of the provisions in chapter 430, Laws of 2009 (calculating
compensation for public retirement purpose).

NEW SECTION. Sec. 502. FOR THE OFFICE OF FINANCIAL MANAGEMENT--
REVISED EMPLOYER HEALTH BENEFIT RATES

Aeronautics Account--State \$3,000
State Patrol Highway Account--State \$618,000
Motorcycle Safety Education Account--State \$2,000
High Occupancy Toll Lanes Operations Account--State \$2,000
Rural Arterial Trust Account--State \$2,000
Wildlife Account--State \$2,000
Highway Safety Account--State \$261,000
Highway Safety Account--Federal \$6,000
Motor Vehicle Account--State \$1,076,000
Puget Sound Ferry Operations Account--State \$527,000
Urban Arterial Trust Account--State \$2,000
Transportation Improvement Account--State \$2,000
County Arterial Preservation Account--State \$2,000
Department of Licensing Services Account--State \$3,000

1 Multimodal Transportation Account--State \$13,000
2 Tacoma Narrows Toll Bridge Account--State \$3,000

3 Appropriations are adjusted to reflect changes to appropriations to
4 reflect changes in the employer cost of providing health benefit
5 coverage. The office of financial management shall update agency
6 appropriations schedules to reflect the changes in funding levels in
7 this section as identified by agency and fund in LEAP transportation
8 document GLB-2010. From the applicable accounts, the office of
9 financial management shall adjust allotments to the respective agencies
10 by an amount that conforms with funding adjustments enacted in the 2010
11 supplemental omnibus operating appropriations act. Any allotment
12 reductions under this section must be placed in reserve status and
13 remain unexpended.

14 **Sec. 503.** 2009 c 470 s 503 (uncodified) is amended to read as
15 follows:

16 **COMPENSATION--INSURANCE BENEFITS.** Appropriations for state agencies
17 in this act are sufficient for nonrepresented and represented state
18 employee health benefits for state agencies, and are subject to the
19 following conditions and limitations:

20 (1)(a) Unless otherwise provided in the 2010 supplemental omnibus
21 operating appropriations act, the monthly employer funding rate for
22 insurance benefit premiums, public employees' benefits board
23 administration, and the uniform medical plan, shall not exceed \$745 per
24 eligible employee for fiscal year 2010. For fiscal year 2011, the
25 monthly employer funding rate shall not exceed (~~(\$768)~~) \$795 per
26 eligible employee.

27 (b) In order to achieve the level of funding provided for health
28 benefits, the public employees' benefits board shall require any or all
29 of the following: Employee premium copayments; increases in point-of-
30 service cost sharing; the implementation of managed competition; or
31 make other changes to benefits consistent with RCW 41.05.065. During
32 the 2009-11 fiscal biennium, the board may only authorize benefit plans
33 and premium contributions for an employee and the employee's dependents
34 that are the same, regardless of an employee's status as represented or
35 nonrepresented under the personnel system reform act of 2002.

36 (c) The health care authority shall deposit any moneys received on
37 behalf of the uniform medical plan as a result of rebates on

1 prescription drugs, audits of hospitals, subrogation payments, or any
2 other moneys recovered as a result of prior uniform medical plan claims
3 payments into the public employees' and retirees' insurance account to
4 be used for insurance benefits. Such receipts shall not be used for
5 administrative expenditures.

6 (d) The conditions in this section apply to benefits for
7 nonrepresented employees, employees represented by the super coalition,
8 and represented employees outside of the super coalition, including
9 employees represented under chapter 47.64 RCW.

10 (2) Unless otherwise provided in the 2010 supplemental omnibus
11 operating appropriations act, the health care authority, subject to the
12 approval of the public employees' benefits board, shall provide
13 subsidies for health benefit premiums to eligible retired or disabled
14 public employees and school district employees who are eligible for
15 medicare, pursuant to RCW 41.05.085. From January 1, 2010, through
16 December 31, 2010, the subsidy shall be \$182.89. Beginning January 1,
17 2011, the subsidy shall be \$182.89 per month.

18 IMPLEMENTING PROVISIONS

19 **Sec. 601.** 2009 c 470 s 304 (uncodified) is amended to read as
20 follows:

21 **FOR THE DEPARTMENT OF TRANSPORTATION.** As part of its budget
22 submittal (~~((for the 2011-13 fiscal biennium))~~), the department shall
23 provide an annual update to the report provided to the legislature and
24 the office of financial management in 2008 that:

25 (1) Compares the original project cost estimates approved in the
26 2003 and 2005 project lists to the completed cost of the project, or
27 the most recent legislatively approved budget and total project costs
28 for projects not yet completed;

29 (2) Identifies highway projects that may be reduced in scope and
30 still achieve a functional benefit;

31 (3) Identifies highway projects that have experienced scope
32 increases and that can be reduced in scope;

33 (4) Identifies highway projects that have lost significant local or
34 regional contributions that were essential to completing the project;
35 and

(5) Identifies contingency amounts allocated to projects.

NEW SECTION. **Sec. 602.** Any redistributed federal funds received by the department of transportation must, to the greatest extent possible, be first applied to offset planned expenditures of state funds, and second, to offset planned expenditures of federal funds, on projects as identified in the LEAP transportation documents described in this act. If the redistributed federal funds cannot be used in this manner, the department of transportation must consult with the joint transportation committee prior to obligating any redistributed federal funds.

Sec. 603. 2009 c 470 s 603 (uncodified) is amended to read as follows:

FUND TRANSFERS. (1) The transportation 2003 projects or improvements and the 2005 transportation partnership projects or improvements are listed in LEAP Transportation Document ((2009-1)) 2010-1 as developed ((April 24, 2009)) March 8, 2010, which consists of a list of specific projects by fund source and amount over a sixteen year period. Current fiscal biennium funding for each project is a line item appropriation, while the outer year funding allocations represent a sixteen year plan. The department is expected to use the flexibility provided in this section to assist in the delivery and completion of all transportation partnership account and transportation 2003 (nickel) account projects on the LEAP lists referenced in this act. For the 2009-11 project appropriations, unless otherwise provided in this act, the director of financial management may authorize a transfer of appropriation authority between projects funded with transportation 2003 account (nickel account) appropriations((7)) or transportation partnership account appropriations, ((~~or multimodal transportation account appropriations~~7)) in order to manage project spending and efficiently deliver all projects in the respective program under the following conditions and limitations:

(a) Transfers may only be made within each specific fund source referenced on the respective project list;

(b) Transfers from a project may not be made as a result of the reduction of the scope of a project, nor shall a transfer be made to support increases in the scope of a project;

1 (c) Each transfer between projects may only occur if the director
2 of financial management finds that any resulting change will not hinder
3 the completion of the projects as approved by the legislature. Until
4 the legislature reconvenes to consider the 2010 supplemental budget,
5 any unexpended 2007-09 appropriation balance as approved by the office
6 of financial management, in consultation with the legislative staff of
7 the house of representatives and senate transportation committees, may
8 be considered when transferring funds between projects;

9 (d) Transfers from a project may be made if the funds appropriated
10 to the project are in excess of the amount needed to complete the
11 project;

12 (e) Transfers may not occur to projects not identified on the
13 applicable project list, except for those projects that were expected
14 to be completed in the 2007-09 fiscal biennium; (~~and~~)

15 (f) Transfers may not be made while the legislature is in session;
16 and

17 (g) Transfers between projects may be made by the department of
18 transportation until the transfer amount by project exceeds two hundred
19 fifty thousand dollars, or ten percent of the project, whichever is
20 less. These transfers must be reported quarterly to the director of
21 financial management and the chairs of the house of representatives and
22 senate transportation committees.

23 (2) At the time the department submits a request to transfer funds
24 under this section a copy of the request shall be submitted to the
25 transportation committees of the legislature.

26 (3) The office of financial management shall work with legislative
27 staff of the house of representatives and senate transportation
28 committees to review the requested transfers.

29 (4) The office of financial management shall document approved
30 transfers and/or schedule changes in the transportation executive
31 information system (TEIS), compare changes to the legislative baseline
32 funding and schedules identified by project identification number
33 identified in the LEAP lists adopted in this act, and transmit revised
34 project lists to chairs of the transportation committees of the
35 legislature on a quarterly basis.

36 **MISCELLANEOUS 2009-11 FISCAL BIENNIUM**

1 **Sec. 701.** RCW 43.19.642 and 2009 c 470 s 716 are each amended to
2 read as follows:

3 (1) Effective June 1, 2006, for agencies complying with the ultra-
4 low sulfur diesel mandate of the United States environmental protection
5 agency for on-highway diesel fuel, agencies shall use biodiesel as an
6 additive to ultra-low sulfur diesel for lubricity, provided that the
7 use of a lubricity additive is warranted and that the use of biodiesel
8 is comparable in performance and cost with other available lubricity
9 additives. The amount of biodiesel added to the ultra-low sulfur
10 diesel fuel shall be not less than two percent.

11 (2) Effective June 1, 2009, state agencies are required to use a
12 minimum of twenty percent biodiesel as compared to total volume of all
13 diesel purchases made by the agencies for the operation of the
14 agencies' diesel-powered vessels, vehicles, and construction equipment.

15 (3) All state agencies using biodiesel fuel shall, beginning on
16 July 1, 2006, file biannual reports with the department of general
17 administration documenting the use of the fuel and a description of how
18 any problems encountered were resolved.

19 (4) For the 2009-2011 fiscal biennium, (~~the Washington state~~
20 ~~ferries is required to use a minimum of five percent biodiesel as~~
21 ~~compared to total volume of all diesel purchases made by the Washington~~
22 ~~state ferries for the operation of the Washington state ferries diesel-~~
23 ~~powered vessels)) all fuel purchased by the Washington state ferries at~~
24 Harbor Island for the operation of the Washington state ferries diesel
25 powered vessels must be a minimum of five percent biodiesel blend so
26 long as the per gallon price of diesel containing a five percent
27 biodiesel blend level does not exceed the per gallon price of diesel by
28 more than five percent. If the per gallon price of diesel containing
29 a five percent biodiesel blend level exceeds the per gallon price of
30 diesel by more than five percent, the requirements of this section do
31 not apply to vessel fuel purchases by the Washington state ferries.

32 (5) By December 1, 2009, the department of general administration
33 shall:

34 (a) Report to the legislature on the average true price
35 differential for biodiesel by blend and location; and

36 (b) Examine alternative fuel procurement methods that work to
37 address potential market barriers for in-state biodiesel producers and
38 report these findings to the legislature.

1 **Sec. 702.** RCW 46.68.320 and 2006 c 337 s 8 are each amended to
2 read as follows:

3 (1) The regional mobility grant program account is hereby created
4 in the state treasury. Moneys in the account may be spent only after
5 appropriation. Expenditures from the account may be used only for the
6 grants provided under RCW 47.66.030.

7 (2) Beginning with September 2007, by the last day of September,
8 December, March, and June of each year, the state treasurer shall
9 transfer from the multimodal transportation account to the regional
10 mobility grant program account five million dollars.

11 (3) Beginning with September 2015, by the last day of September,
12 December, March, and June of each year, the state treasurer shall
13 transfer from the multimodal transportation account to the regional
14 mobility grant program account six million two hundred fifty thousand
15 dollars.

16 (4) During the 2009-2011 fiscal biennium, the legislature may
17 transfer from the regional mobility grant program account to the
18 multimodal transportation account such amounts as reflect the excess
19 fund balance of the regional mobility grant program account.

20 **Sec. 703.** RCW 47.12.340 and 1997 c 140 s 3 are each amended to
21 read as follows:

22 The advanced environmental mitigation revolving account is created
23 in the custody of the treasurer, into which the department shall
24 deposit directly and may expend without appropriation:

25 (1) An initial appropriation included in the department of
26 transportation's 1997-99 budget, and deposits from other identified
27 sources;

28 (2) All moneys received by the department from internal and
29 external sources for the purposes of conducting advanced environmental
30 mitigation; and

31 (3) Interest gained from the management of the advanced
32 environmental mitigation revolving account.

33 (4) During the 2009-2011 fiscal biennium, the legislature may
34 transfer from the advanced environmental mitigation revolving account
35 to the motor vehicle account such amounts as reflect the excess fund
36 balance of the advanced environmental mitigation revolving account.

Sec. 704. RCW 70.95.532 and 2009 c 261 s 4 are each amended to read as follows:

(1) All receipts from tire fees imposed under RCW 70.95.510, except as provided in subsection (2) of this section, must be deposited in the waste tire removal account created under RCW 70.95.521. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used for the cleanup of unauthorized waste tire piles and measures that prevent future accumulation of unauthorized waste tire piles.

(2) On September 1st of odd-numbered years, the state treasurer must transfer any cash balance in excess of one million dollars from the waste tire removal account created under RCW 70.95.521 to the motor vehicle account for the purpose of road wear related maintenance on state and local public highways.

(3) During the 2009-2011 fiscal biennium, the legislature may transfer any cash balance in excess of one million dollars from the waste tire removal account to the motor vehicle account for the purpose of road wear-related maintenance on state and local public highways.

NEW SECTION. **Sec. 705.** 2009 c 470 s 502 is repealed.

MISCELLANEOUS

NEW_SECTION. **Sec. 801.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 802.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

(End of bill)

COMPENSATION

INSURANCE BENEFITS	94
COUNTY ROAD ADMINISTRATION BOARD	8, 52
DEPARTMENT OF AGRICULTURE	4
DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION	3
DEPARTMENT OF LICENSING	20
TRANSFERS	90
DEPARTMENT OF TRANSPORTATION	95
AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009	1
AVIATION--PROGRAM F	28
ECONOMIC PARTNERSHIPS--PROGRAM K	32
FACILITIES--PROGRAM D--OPERATING	28
HIGHWAY MAINTENANCE--PROGRAM M	33
IMPROVEMENTS--PROGRAM I	54
INFORMATION TECHNOLOGY--PROGRAM C	26
LOCAL PROGRAMS--PROGRAM Z--CAPITAL	84
LOCAL PROGRAMS--PROGRAM Z--OPERATING	52
MARINE--PROGRAM X	47
PRESERVATION--PROGRAM P	67
PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H	29
PUBLIC TRANSPORTATION--PROGRAM V	41
RAIL--PROGRAM Y--OPERATING	52
RAIL--PROGRAM Y--CAPITAL	78
TOLL OPERATIONS AND MAINTENANCE--PROGRAM B	24
TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL	71
TRAFFIC OPERATIONS--PROGRAM Q--OPERATING	34
TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S	38
TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T	39
WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W	72
FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD	16
JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE	5
JOINT TRANSPORTATION COMMITTEE	9
LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE	5
MARINE EMPLOYEES COMMISSION	4
OFFICE OF FINANCIAL MANAGEMENT	3
REVISED EMPLOYER HEALTH BENEFIT RATES	93

REVISED PENSION CONTRIBUTION RATES	92
STATE PARKS AND RECREATION COMMISSION	4
STATE TREASURER	
ADMINISTRATIVE TRANSFERS	91
BOND RETIREMENT AND INTEREST	88, 89, 90
STATE REVENUES FOR DISTRIBUTION	90
TRANSFERS	90
TRANSPORTATION COMMISSION	14
TRANSPORTATION IMPROVEMENT BOARD	9, 53
UTILITIES AND TRANSPORTATION COMMISSION	3
WASHINGTON STATE PATROL	
FIELD OPERATIONS BUREAU	16
TECHNICAL SERVICES BUREAU	19
WASHINGTON STATE PATROL--INVESTIGATIVE SERVICES BUREAU	19
WASHINGTON TRAFFIC SAFETY COMMISSION	7"

1 Correct the title.

--- END ---